

piled from various surveys in 1837 by Joshua Lind, surveyor." Both are produced from the registry office, where they have been for many years, and are recognised by surveyors, solicitors, and conveyancers as authentic maps and the best information available; and in the case of one block, where the numbers in Lind's and Mackenzie's maps differ, owing possibly to a later survey in one, the Registrar has opened an index shewing both numbers.

These maps shew the block divided by a straight line joining the boundary between the lots fronting on James street and those fronting on Hughson street. Mackenzie's map, in its "references," states: "The lots circumscribed thus" (giving a colour) "the property of James Hughson;" and so with lots of other owners; and this block, with others, has apparently that colour, though faded. Then the deed from Hughson on the 3rd December, 1840, of lot 2 on James street in this block, made while he was still the owner of lot 3 on Hughson street, recognises this map, for the lot is conveyed "as described on Mackenzie's map of Hamilton aforesaid." The deeds of lot 1 on James street on the 5th March, 1836, and of lot 3 on James street on the 1st October, 1838, to which latter Joshua Lind, of Hamilton, surveyor, was subscribing witness, give each of those two lots a length of 2 chains 24 links and a frontage of 1 chain 8 links; the words "more or less" being added in the case of lot 3. These frontages are those stated on Mackenzie's map.

Then there is the evidence of Mark Hill, practically unchallenged, that, when he purchased lot 3 on James street in 1871, there was a fence existing at the rear end, which was on the line now claimed by the plaintiffs. This line coincides with the actual division lines at lots 2, 5, and 6, and is not shewn to differ from that at lot 1 or that at lot 4.

On the question of possession, Hill says that he pulled down that fence of 1871 soon after he acquired lot 3 on Hughson street, which was on the 30th September, 1888, and did not erect another either on the same or any other line. After acquiring that land for the purpose of obtaining an outlet to Hughson street, the only object of tearing down the fence would be to give access that way, and it would seem he would have no reason for erecting another close fence eleven feet further west, in a position to shut off from his buildings the very outlet which he had been planning for. Up till the deed to Farewell in 1890, both lots were beneficially owned by Hill or his assignees, and there could be no adverse possession. In 1899, Martin, the mort-