

Lots 23 and 28, I fixed on Lot 9 as Mr. Clarke's lot under Meehan's title, and so entered Mr. Clarke's name for it."

*Mr. Martin* also proves distinctly that Mr. Winkler lives on Lot 9, and that there are improvements thereon worth from \$800 to \$1,000.

*Joseph Goudon* says —

"Fully a year before he sold out his claim to Mr. Clarke the said 'Mike Meehan' came with his wife and family and took up land near me. He first drew logs and built near to completion a house on the bank of the River near to where Mr. Winkler's house now stands on Lot 9." Trouble arose about cattle, and Goudon says further: "So he stopped building at that point and went away out about a mile and a half, more or less, on the prairie in a line with his first building, and built on the west side of the high road then leading to Fort Garry, where he built a good substantial oak log house."

"Mike Meehan with his wife and family of several children lived in the house he built on the roadside for, I am certain, over a year, till he sold to Mr. Clarke, and it was when I heard that Clarke had bought him out that I thought I would try and sell to Mr. Clarke also, which I did."

"I have been over the ground within a few days past with Mr. Martin, the Surveyor, and others, and I pointed out the remains of Meehan's house and stables. They were quite visible—the cellar and a considerable lot of logs half buried under the ground. The site is near and to the north-west of the old oak boundary post, which stands about seven (7) feet high. I cannot be mistaken in the place. I know it well, and have been there very often when Meehan lived there, and I could see it quite plainly from my house; in fact he was one of my nearest neighbours on that side of the river."

I will not further copy the plaintiff's statements as to the occupation or possession by Meehan of the lots in question, but will look at what is said to the contrary.

*Joseph Goudon* says, in his pretended declaration of 19th July 1879:—

"That Meehan built 'about three-quarters of a mile to the north of the northerly side line of Lot number nine in said Parish.' This is altogether too much, and must refer to the second building of Meehan, which he built after he removed, having sold to Clarke; otherwise it is probably untrue. It is not reasonable, in view of all the established facts, about which there can be no doubt.