

ing to the line his evidence has established, we have to decide whether he is or is not barred by the statute.

It was contended for defendant that this portion of unfenced bush had always for a long period of years been treated by both parties as defendant's land, the blazes on Smith's line being taken as indicating the true boundaries: that defendant exercised all the ordinary acts of ownership over this portion, cutting and selling timber thereof, &c.

He put in evidence the examination of the plaintiff, who states that he never cut over what defendant claims as his: that his father and defendant held according to the jog—"They did not come on our side, and we did not on theirs.

We were careful not to go over the part claimed by defendant, for we did not want a fuss until we could prove the line * * There was an old line * * a blazed line to where defendant claimed. * * I think it was run in 1844. * * Samuel Smith ran that line for Shaw. * *

I don't know of any dispute from Smith's survey till about a year ago. It was always in dispute. I mean we intended to run the line, but it was never carried out during that time. We were governed by Smith's line. We never went across the line. I never noticed Shaw cutting across the line.

* * I did not, nor my father, to my knowledge, since the dispute in 1845, ever object to defendant's cutting or clearing up to the Smith line. I think they or Ninian Shaw did all their cutting on this disputed piece, and up to the line, the Smith line. It must be during the last twenty-five years this has been going on. During that time neither I nor my father, I think, ever went up to there and made any claim to the disputed piece east of the Smith line * * When I was dealing with the bush land, I was guided by the lane in the clearing between Shaw and mine."

In this case, in addition to the evidence of exercising acts of ownership by defendant, which we so frequently hear in boundary cases, we have this strong proof from the plaintiff of his practical abandonment of all attempts to assert his right, or exercise any possessory or other right on this piece of woodland.