If the parties are advised to have the case further considered, and the Court should be of opinion that the plaintiff is entitled to a verdict, I think the verdict should be entered for $100.

May 19, 1881. *H. J. Scott* obtained a rule *nisi* to enter a verdict for the plaintiff for $100, or such other sum as the Court should assess.

November 30, 1881. *C. R. Atkinson*, in support of the rule argued that by the surveys made of the Thames by McNiff and Iredale, the boundaries of the lots were fixed originally and this was ratified by the statute passed making the boundaries on the south side of the river the boundary on the north side: that there was distinct evidence of that boundary and the side line properly blazed out: that the patents had issued according to that survey, and that the parties held according to it on the back, though he admitted that in fact there was title by possession where the old fence stood; that the line up to which the parties respectively supposed they held not being actually fenced, though it could be distinguished, was not such an acquiescence or occupation as was binding or could give title under the statute.

MacMahon, Q. C., and *Douglas*, contra, contended that the line run by Samuel Smith governed: that it was not necessary there should be a fence: that the blazes shewing a line, and by which each party governed himself, were a sufficient line equal to a fence or stone wall for the purpose of giving title under the statute: that the plaintiff was out of possession and there was a discontinuance by plaintiff and his ancestor; that by the descriptions running through the third concession the side line need not necessarily be a continuous straight line, but would conform to the side lines governing in each concession.

The cases cited are referred to in the judgments.

March 8, 1882. HAGARTY, C. J. Assuming, as I do, that, as a matter of survey, the plaintiff has established his paper title to this portion east of Smith's line extend-