

I find that the property of the Plaintiff as now enclosed measures twenty seven feet one inch (27'1") in width at the front and twenty four feet ten inches (24'10") in width at the rear, and that it contains an area of two thousand one hundred and twenty five (2125) feet.

I find that the property of the Defendant, as now enclosed, measures twenty three feet five inches (23'5") in width at the front and twenty six feet (26'0") in width at the rear, and that it contains an area of nineteen hundred and eighteen (1918) feet, the whole English measure; the area, in each case, being taken up to said "apparent street Line."

I further find the fence which separates the yard of the Plaintiff from that of the Defendant to be similar to the fences very frequently met with between yards in this City, it is built with eight inches (8") square posts, and with rails and sheeting of one inch planks, the planking being all on the side next the Defendant, this fence is about seven feet (7') high above the surface of the yards on each side, and has a cap along the top about two inches (2") thick and seven inches (7") wide; and it seems to have been erected fully twenty (20) years ago.

The wooden partition between the sheds occupied respectively by the Plaintiff and Defendant is of rather an unsubstantial sort, being made of one inch plank, nailed at the top, for the greater part of its length to one of the joists of the floor above, and seems to be placed in its present position in order to thus nail it to one of said joists; it must, however, be stated that said joists are spaced only about three feet (3') apart from centre to centre, so that, had it been desired the partition could have been nailed to the next joist towards the North West shown in dotted lines from A to B on my Plan annexed, and said partition would then have been much nearer to the centre of the whole property originally owned by Morrison. I find a small jog in said partition as shown on my Plan hereto annexed, this jog is not caused, at present, by pressure of the coal in the Plaintiff's shed, but it extends straight up for the entire height of said partition.

I find that the South East Gable Wall of the Brick extension, at the rear of the Defendant's house, is built on a stone foundation which stands about one foot (1') high above the level of the Defendant's yard, above said stone foundation said Gable wall is twelve inches (12") thick for a further height of three feet one inch (3'1"), and for