

dividing line between lot 3 on James street and lot 3 on Hughson street.

On the south side of Cannon street this dividing line is a line running southerly between two old and substantial buildings, and it continues southerly across lots 6 and 5 to the southerly limit of lot 5, its existence between the two properties being of long standing. Surveys made in recent years shew this line as being at Cannon street, 153 feet 6 inches east of the east limit of James street as laid out on the ground, and 150 feet 6 inches west of the west limit of Hughson street as laid out on the ground. The easterly boundary, long existing, of the property to the south of lot 3 on James street is 153 feet and 6 inches from the east limit of that street as laid out on the ground. The conveyance of this property to defendants describes it as running from James street 153 feet and 6 inches, more or less, to the rear of lot 2. The easterly limit of defendants' building on lot 2, erected by them, is that distance from James street. McKay, a surveyor called in evidence for plaintiffs, and Blondie, a surveyor called for defendants, agree on this. McKay located the easterly boundary of the property for defendants. Blondie says the building runs to the line of the old fence at what was said to be the easterly limit of the lot. Reliance has been placed on these old boundaries and the long established street lines. It is quite apparent that the measurements as indicated by the descriptions in some of the earlier conveyances were liberal.

Mr. Armour, for defendants, urged that the earlier conveyances of lot 3 on James street having described the lines running east and west as being 2 chains and 24 links, the dividing line between the two tiers of lots should be placed arbitrarily at that distance from James street, and that the measurements, from east to west, of lot 3 on Hughson street not being given in the old conveyances, the latter lot should be taken to comprise and include all the land east of a line 2 chains and 24 links from James street. The force of that argument is affected by other considerations arising from the form of the descriptions.

It is not disputed that lot 3 on James street and lot 3 on Hughson street are of equal width, and the area of the former being said to be 39 rods, more or less, and that of