

result of different surveys. This plan, as in the Crandall survey, shews lots 5, 6, and 7 to be opposite to lots 15, 16, and 17.

Coming to the defendant's title to lot No. 8, it is not traced back to the grant of the Chester township, which preceded the grant of which I have been speaking. Because this grant of the plaintiff's was evidently a re-grant, "these lots being vacant and never having been drawn" according to Crandall's survey. But the title goes back to a deed of George Reynolds and Thomas Reynolds in 1826, one of the witnesses being the surveyor Crandall. As far back as 1851 Isaiah Bezanson, the plaintiff's predecessor in title, was shewn to be in possession of this lot in question, and to have had the lines of it run under a deed from William Webber. By a mistake in the deed of that date, the lot conveyed was designated lot No. 6, which lot is not at all in question, instead of lot No. 8, but on the 9th of February, 1880, a correct deed between the same parties was made designating the lot as No. 8. This lot, with the exception of the two instances I have mentioned, has been since 1851, in the possession of Isaiah Bezanson and his successors these defendants. For about four years there was a field about two and a half acres on the lot still known as Bezanson's clearing, which produced potatoes, buckwheat and oats, and then was seeded down to timothy. And during this period it was fenced. During Isaiah Bezanson's occupancy of the lot there was taken from it from time to time hoop poles, hemlock bark and logs. The importance of these acts where there is a paper title will be seen upon reading the case of *DesBarres v. Shey*, already cited.

I hope it will not be supposed that I am trying to shew that the defendants have a title by mere possession as against the plaintiff's title in case it covers the lot in question. I am only endeavouring to shew that these acts and conveyance together with the plaintiff not being in occupation tend to prove that the plaintiff never claimed that his title covered the locus, but only the three lots below it, and that the call of the grant was a mere mistake in the enumeration, and that he acquiesced in that view, and that the defendants and Isaiah Bezanson, under whom they claimed, owned that land.

On the whole case I am of opinion that the plaintiff has shewn no title to the lot, and that the action should be dismissed, and with costs.