

of information. It is quite apparent from surveys and measurements recently made that the distance from the easterly line of James street to the westerly line of Hughson street as these lines now appear on the ground, is several feet in excess of the distance indicated by the earlier conveyance of these lots. The evidence of surveyors who were called at the trial is that there are not to be found any old monuments or fixed points indicating the position of the lot lines or from which the boundary lines can be located with reference to as original surveys. Measurements by these surveyors have been made (as measurements appear to have been made at other times) from the street lines as they appear on the ground. These, as I have said, have been taken generally as the boundary lines of the lots. Conveyances of lots in that block have referred to Hughson's survey, but no one has come forward to say what this survey comprised, or whether it has reference to the MacKenzie and Lind plans or either of them. The Deputy Registrar was unable to give any information about it that was of service.

The first matter to be determined is the location of the dividing line between the lots on James street and those on Hughson street. Earlier conveyances of lot 3 on James street describe that property as containing 39 rods more or less, and then by metes and bounds further describe it as commencing at the north-westerly corner of that lot, running thence southerly along its westerly limit one chain and eight links, more or less, to the south-westerly angle, thence easterly along its southerly limit two chains and twenty-four links, more or less to its south-easterly angle, thence northerly along its easterly limit one chain and eight links, more or less, to its north-easterly angle, and thence westerly, etc., to the place of beginning. Earlier conveyances of lot 3 on Hughson street describe it as containing 38 rods, more or less, but without giving its metes and bounds. So far as is shewn, these two lots are of the same width throughout.

Defendants' contention is that the dividing line between these lots is nearer to James street than is claimed by the plaintiffs. The dividing line, on the ground, between the properties immediately to the south of these two lots, and also between some of the properties to the north, particularly on the south side of Cannon street, is and always has been, so far as any witness has been able to speak, practically in a direct line with what is contended by plaintiffs is the true