

and including it in Shunk's. As a matter of fact, taxes upon it have always been paid by Shunk since his father was there from 1855. This slash of 30 acres in all was used by Campbell for pasturing cows in summer, and was resorted to in winter for firewood, first by Campbell in 1878 (p. 39). According to Shunk's evidence, his people also resorted to this 5 acres (part of his own land) for timber and firewood whenever it was wanted. Upon this evidence, I should conclude that there was common use made of the plan, and that there was a tacit understanding and permission, as between the co-owners, so to use it as occasion required. The general tenour of the evidence fails to shew any adverse or exclusive or expulsive occupation by Campbell during those early years. The testimony is meagre and unsatisfactory from the necessary failure of memory and from the very fact that affairs were marked by no salient act of aggression on Campbell's part which would have aroused Shunk. There are few landmarks from which or as to which the two witnesses who alone know about it, can speak. One of the landmarks is by Campbell, that he leased from his father in 1882 his place of 150 acres—but these 5 acres were not included in the lease, and the son (the witness) went away to the North-West in January, 1888, and did not return till 1894. The first change of user in regard to the big slash of 30 acres was before 1886, and it began by Campbell clearing it up by degrees on his own land from the Hollingshead small lot along the line of division between the parties' lots, and putting up a fence as the clearing went on. This fencing approximately marked the boundary between the two, and was carried on 40 or 60 rods from the concession road, and to within about 12 rods from the north-west corner of the 5 acres. Campbell broke up some 5 acres of the new cleared land in 1886, and now about 13 acres of it is enclosed with a fence. This was put up (just as the old brush fence) by Campbell to protect the newly cultivable land from the cattle out pasturing.

Campbell says there was a dispute about the ownership of these 5 acres, and about the right line between his father and Shunk in 1893, when he was away. Lawyers were called in, and there was a compromise, and there was a line to be run between them. This was apparently the result of the first collision between the co-owners in 1892 when Shunk sold all the large pine trees on the 5 acres to Thompson, who cut and drew off the logs and paid Shunk for them. Shunk says that Campbell cut a pine tree on the 5 acres about 20 years