

Hines, who in 1890 and 1891 worked in this livery stable, says there was access to it from Hughson street, and that he used that means of access many time (hundred of times, he says), and saw Hill's waggons using it.

Halton, Hill's son-in-law, who visited the place from 1878 until Hill left it, says that the fence in the rear was about 12 feet east of the James street stable.

Another witness who worked for Pennell in this livery stable for about 10 months, and who for about 2 years previously worked for the former tenants of the stable, says that vehicles went to and from the stable, both through the James street driveway and by way of the Hughson street alleyway.

Siderski, whose evidence impressed me, rented the stable from Farewell in 1895 or 1896, and drove thereto by way of the Hughson street alleyway.

The evidence of other witnesses who either resided on the property or made use of or worked at the stable, or whose business brought them there at times, corroborates all this.

Elizabeth Cole, who for 16 or 17 years ending in 1912 used this stable, having rented it from the agent of the owner, swears that for 10 or 12 years after Martin built the new stores on the northerly part of the lot—in 1899 or 1900—her only means of access to the stable with her horse and vehicle was from Hughson street, and that during that time there was no fence running from the south-east corner of the stable southerly to lot 2. This class of evidence is supplemented by that of the agents, who for several years collected the rents of the stable and other buildings on the James street lot, and who by their books of entry, as well as from memory, corroborated other witnesses as to the occupancy and use of the stable, including the time after the driveway therefrom to James street had been done away with.

Witnesses called for the defence say otherwise with regard to the occupancy of the rear part of lot 3 and the existence of the fence running southerly from the south-east corner of the stable and the access to the rear of the property by what is known as the Hughson street alleyway, but on the most careful consideration I have been able to give the whole evidence, I must accept that offered for the plaintiffs. As I have said, many of these witnesses are in a position to speak of the conditions, and what they say is consistent with other circumstances which one cannot overlook. I have to