

MINUTES OF TRIAL.

McDONALD v. CAMPBELL.

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THURSDAY, 17th June, 1880.

J. A. McDonald opens.

Donald McDonald, plaintiff: Have land on Lewes' Mountain, on third range, 13 miles from shore. Have held it since 1843—thirty-seven years. McLean came from the old country. He, my uncle and myself, we measured the breadth of the lot on the shore which had been surveyed to get the breadth; put a stake on the middle of McLean's lot (now John Matheson's). We measured the breadth of 100 acres each side of the stake, so as to make a two hundred acre lot. Then we ran Norman Matheson's (the father of John and Norman, marked on plan); then we came inside of McLean's to run one hundred acres for myself. McLean's lot is the one marked John Matheson, who bought from McLean's widow. We ran across from McLean's and marked off two hundred for me. McLean and I laid a line between ourselves. Where we measured off was not very far above where road is now. Our western boundary was the river or brook. We ran the side lines square with the brook. I put a stake at end of line to mark southern boundary. It was Crown land on the south and east; not on the west. On the west the land was in possession of others. We all held our lands as we laid them out. We had a surveyor in 1868. He made alteration in boundaries. The surveyor was Francis McKenzie. He was County Surveyor. He gave me all I held before, and made the lots wider and shortened them. I agreed that he should do it. He did the same with all the lands in the block. I made the first clearing at the river, alongside of the line. This was the first summer—1843. The next was next McLean. I fenced, cultivated, and sowed it, (marked 2.) I planted first, then sowed it, and then let it out to pasture. This was the next year after the first clearing—1844. The next clearing (No. 3) was at the road joining McLean, near north line. I cleared about three acres there, and fenced it all, planted and sowed it all. The first clearing was about a half acre, (01.) The second (02) one acre, the third (03) three acres; the fourth was in S. W. corner of the line and road (04.) I cleared 23 or three acres; I planted and sowed there too. There are some seven or eight acres or more cleared, beside these four clearings; one McLeod made the last-mentioned clearing. Henceon McLeod was there. He commenced clearing inside of my land. I told him he was on my land. He said: "If I am on your land when I find that out I will clear out and leave it." He was just commencing. I consented to that and left him alone. He was ten or twelve years on the place. I showed him he was on my land. He left over twenty years ago. I showed him he was on my land when he commenced. McCauley lived on it and made one clearing afterwards. I told him he was on my land. He said he did not expect to live there only a short time. I suppose he was there two winters, when he went away. One McLean cut lumber on it. He and I settled about it. McLeod told me at last he was sure he was on my land. I never saw defendants inside my old or new bounds. I made improvements on it after McKenzie surveyed. I cleared between two and three acres since, and fenced it.

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