Still another piece of evidence must be weighed in this regard. In the examination of John T. Laffin, one of the plaintiffs, this occurred:—

Q. "Did you ever have any talk with Edward Elsworth after that?" (meaning after the dispute above referred to). "A. Not after that, but some time before that I was talking to him. I wanted to buy another piece of land from Elsworth. This land in dispute came into the conversation. He said he was not very well satisfied about Young claiming this part of the land because he did not think his father had been paid for Young's part, but as far as the Laffin part is concerned it was all right."

This is the plaintiffs' case. The defendants offered no evidence. I think this case essentially different from Cunard v. Irvine. I think there is evidence that the grantor, Richard Elsworth, had been in possession of this lot when he gave the deed to Laffin and Young, and I think there is strong evidence that defendants recognized plaintiffs' title to the lot in dispute. There is no pretence of adverse possession by defendants. The lot has simply been unfenced and unoccupied since the deed. In my view plaintiffs are entitled to recover possession. They have sustained only nominal damages, which I fix at one dollar.

NOVA SCOTIA.

SUPREME COURT.

FULL COURT. APRIL 5TH, 1909.

REX v. WILSON.

N. S. Liquor License Act—Offence—Sale of Malt Extract—"Low Grade Ale"—Percentage of Alcohol—Conviction Set aside by County Court Judge—Appeal.

Defendant was convicted, before V. J. Paton, Esquire, stipendiary magistrate for the town of Bridgewater, N.S., of an offence against the Liquor License Act in that he sold to one Mary A. Allen a beverage labelled Wilson's Malt Extract. The evidence before the magistrate shewed that the article was a "low grade ale." There was an appeal to FORBES, CO. C.J., for district No. 2, who heard further evi-