

lane for the purpose for which it was originally intended, and brought their ashes and garbage out through the rear of their respective yards down the alleyway, depositing them in an unsightly and unsavoury heap in the corner of the alley and lane. The city scavengers periodically backed in through the lane and removed the accumulation. The gate was not always fastened, but, when closed, was always opened to enable the scavenger to discharge his functions.

The result of the enclosure by gates and the decay of the fence was practically to bring this laneway into the back premises appurtenant to the Lawson house. No doubt, they strung clothes lines across it and occasionally used it for various purposes. In the summer-time chairs were placed upon it; more recently a hammock was strung across part of it; and, no doubt, a sense of proprietorship has gradually sprung up in the minds of the Lawsons.

The Lawsons continued to live on the property until 1897, when they rented the house and went to live in Sherbourne street, returning to Surrey place in 1904. In the meantime the house was occupied by a series of tenants.

In 1894 or thereabouts, the ashes and garbage deposited at the corner of the lane had become a considerable nuisance, and the Lawsons complained to the city officials. The result was that from then onward the occupants of the northern houses were required to place their garbage and ashes in receptacles at their back doors in the alleyway. The scavenger, then, backing into the lane, went up the alleyway and removed the ashes and garbage.

I am asked to treat this as an assertion of exclusive title to the lane. I do not think that is so. What was done was not by way of assertion of title; it rather constituted an admission of the rights of the occupants of the houses at the north, and the city officials required this right to be exercised in a way that would not cause a nuisance.

As the process of garbage removal evolved, the practice of placing ashes, etc., to the rear was largely discontinued, and the ashes were carried, in most instances, from the front cellar entrance and placed upon the street. This again has, no doubt, contributed to the Lawsons' feeling of proprietorship.

Apart from what has been stated, there are one or two specific acts much relied upon. One of the owners stored a launch in the lane in 1905, during the winter months. During the winter of 1909-10, he stored a somewhat larger boat there. During these times the gate was, no doubt, kept closed.