

from a man in possession of land to another is clearly established, the disposition of courts would be to be satisfied with very slight evidence of possession.

Edward Elsworth gave this deed to Young and Laffin. His sons are the defendants here, and continue to live on the homestead of which this piece of land now in dispute was in 1867 a part. I am disposed to think that this is fair evidence that Young and Laffin derived their title to the 2-acre lot from a man who had possession and occupation of it as part of his general holding.

Again it appears in evidence that the Elsworths (sons, defendants) up to within a year or two, fenced their lot up to the line of plaintiff's lot, leaving this 2-acre lot outside their holding, and unfenced. I regard this as an incident from which a strong inference can be drawn that defendants recognized plaintiffs' rights in this 2-acre lot.

Again the first pretense of claim to this lot set up by defendants was only a short time ago. The deed reserves a right of way. The Elsworths had attempted to sell this right of way to James Hall. John T. Laffin, one of the plaintiffs, told Elsworth that he could not do this. Elsworth then said that if Laffin was going to be uppish he would take the whole lot in. Whereupon in face of Laffin's protest he did, within two or three years, put for the first time a fence about this lot, resulting in this action to contest his right to do so. I think the plaintiffs' drawing attention of one of defendants to a violation of the right of way, reserved in deed, and denying his right to interfere with the terms of the deed, or interfere with the enjoyment of plaintiffs' possession of the lot, may be regarded as an entry.

Again, a new coal mining enterprise is about being opened up near the land in question, and the company are acquiring land in the vicinity. They took an option on a portion of the land of one of the defendants. In giving the option he gives as one of the boundaries of the lot he is proposing to sell, "to adjoin lands owned by the late Michael Laffin of Lingan." The only land to which this description could possibly apply is the lot now in dispute and which had been conveyed to Michael Laffin and Walter Young by this defendant's father. I look upon this as another strong recognition by defendants of plaintiffs' rights in the lot in question.