was in the honest belief certainly of himself, and probably of the plaintiff, as that of an owner occupying his property up to the supposed true boundary.

We are not called upon now to discuss whether it might or might not have been better to have originally determined that unenclosed woodland in this country could never be the subject of a statutable possession.

I cannot find that the Courts of Ontario have ever laid down such a proposition as one of legal definition; on the contrary, the authorities seem to me to be all the other way.

It is not necessary to go through the cases. They are to be found in the Digest, Vol. 1. under title "Limitation of Actions."

I may especially refer to such cases as *Davis* v. *Henderson*, 29 U. C. R. 355, in the judgment of Wilson, C. J., where he specially discussed the question, "How is wild land to be possessed? It is settled that it need not be enclosed." Many of the cases are there noticed, as they also are in *Heyland* v. *Scott*, 19 C. P. 170. See also *Mulholland* v. *Conklin*, 22 C. P. 372.

I do not think that any practical injustice will be done by upholding the verdict for defendants in this case. I think it is in accordance with the spirit of the Statute of Limitations—an enactment which, with its occasionally unavoidable interference with the rights of property, has, on the whole, been of incalculable benefit to a young country like ours.

CAMERON, J., concurred.

ARMOUR, J.—Assuming that the plaintiff has proved, as the learned Judge found he had proved, his paper title to the land in dispute, I am of opinion that the plaintiff is entitled to recover in respect of the trespass to that part of it which has not been substantially enclosed by the defendant for more than ten years, according to the reasons I have given in *Shepperdson* v. *McCullough* (*a*). To hold that

(*a*) 46 U. C. R. 573.