

by the Court of Appeal in *Piper v. Stevenson* (1913), 28 O.L.R. 379.

This point being settled, it is not disputed that the possession of the plaintiffs from the time they enclosed the land, about 1888, until Mrs. Brown intervened, was visible, notorious, adverse, continuous, and unchallenged; and, with the land constantly fenced in and cropped or pastured, and used and enjoyed by the plaintiffs as ostensible owners, there was to the registered owner, as there was, upon the evidence, to everybody living in the neighbourhood, "the plainest evidence of wrongful possession . . . calling for action on the owner's part if he desired to save his rights," as was pointed out by Meredith, C.J.C.P., in the *Piper* case.

The defendants set up ownership of the property by registered title; but, in considering what inferences should be drawn or presumptions raised in their favour, it is worth while to keep in mind that they are not registered owners by a chain of title from the Crown; there is no link uniting them with "the true owner" whom the defendants dispossessed, and they have never been in possession, nor has any person under whom they claim been in possession at any time, except in so far as the defendants may be said to derive title through the plaintiffs.

And the defendants have the plaintiffs' title or they have nothing. It was the plaintiffs' title, not the title traceable back to the Crown, that the defendants' grantor bought at the tax sale on the 21st December, 1900; for whatever the contention may be as to the character of the occupation after 1906, it is not denied that from about 1888 down to the time of the tax sale in December, 1900, the true owner was absolutely shut out, and the plaintiffs were in undisputed enjoyment and possession of the land in question. Whether they paid the taxes or not is immaterial.

In *Iredale v. Loudon* (1908), 40 S.C.R. 313, the occupant of a room for the statutory period acquired title to it, although he not only failed to pay the taxes, but from time to time, as they were delivered, sent on the tax bills to the true owners, thus, as might be said, recognising the ownership of the persons claiming by deed.

The legal result is, that, at the end of the first ten years of this possessory period, and probably two years before the date of the tax sale, the title of the true owner was extinguished by sec. 16 of the Limitations Act, and under sec. 5, sub-sec. 3 of sec. 6, and sec. 16 of this Act, the plaintiffs became, if not to all