

The  
**Ontario Weekly Notes**

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APPELLATE DIVISION.

DECEMBER 29TH, 1914.

\*STUART v. TAYLOR.

*Will—Construction—Devises—Estates for Life and in Remainder—Contingent Remainder upon Contingent Remainder—Rule against “Double Possibilities”—Intestacy as to Second Remainder—Right of Heirs of Testator, Ascertained at his Death—Improvements under Mistake of Title—Lien for—Possession of Land—Title—Limitations Act—Partition—Estoppel—Costs.*

Three appeals from the judgment of MIDDLETON, J., 6 O.W.N. 217.

The appeals were heard by MULLOCK, C.J.Ex., HODGINS, J.A., CLUTE and RIDDELL, J.J.

F. D. Davis, for the defendants Duby and Chevalier.

M. Sheppard, for the defendant Strong.

J. H. Rodd, for the plaintiff.

A. B. Drake, for the defendant Sharon.

A. R. Bartlet, for the defendants Taylor.

RIDDELL, J.:— . . . The main ground of the appeals is as to the effect of the devise of the land in question. The will is printed in the report of *Re Sharon and Stuart* (1906), 12 O.L.R. 605, at pp. 606, 607, 608, the clause in controversy being as follows: “I give devise and bequeath to my son Narcisse Charron the east half of lot number 5 on Lake St. Clair, township of Rochester, containing 50 acres more or less, and to my son Pierre Charron the west half of lot number 5 aforesaid, containing also

\*To be reported in the Ontario Law Reports.