

its value at the date of the termination of the life-tenancies, or to claim a lien for improvements: R.S.O. 1914 ch. 109, sec. 14. I would trust that, the rights having been ascertained, the parties may come to some fair arrangement preventing further litigation. If no arrangement can be made, there must be a partition, leaving the Master to deal with the details.

So far I have not dealt with the question raised concerning the rights of the defendant Duby. Duby purchased the lands immediately south of the property in question. Lot 1 undoubtedly ran, according to the earlier plans, as far south as the centre line of Broadway street. There was some intention to extend Broadway, taking one-half of the extension from the land in question and one-half from the land to the south. Possession was taken, and has been held for a long time; but, as this was after Charron's death, the right of his heirs and those claiming under them, which only arose upon the death of the last surviving life-tenant, would not be defeated, the statutory time not having run since that death.

The judgment will, therefore, be for partition of the fifty arpents in question, with a reference to the Master, who will deal with all questions arising out of the right of the present occupant to a lien for improvements or otherwise. The costs will come out of the estate, save that as to Duby there will be no costs. The judgment will declare that he has not acquired possessory title to the strip of land in question.

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SUTHERLAND, J., IN CHAMBERS.

APRIL 7TH, 1914.

HEAMAN v. HUMBER.

*Writ of Summons—Service out of the Jurisdiction—Order Permitting—Irregularities—Rules 26, 28, 32, 298 — Setting aside Order and Service.*

Motion by the defendants for an order setting aside the order of a Local Judge allowing the issue of a writ of summons for service out of the jurisdiction and the service thereof.

T. G. Meredith, K.C., for the defendants.

J. M. McEvoy, for the plaintiffs.

SUTHERLAND, J.:—The action is on an agreement for the sale of lands in the Province of Manitoba. The order of the