

has now any title which Olivier and his wife and heirs-at-law could convey in "the easterly third of the 50 arpents of said lot A," as the deed puts it.

Gilbert Charron died in 1911, his wife having predeceased him some five years. The plaintiff, Stuart, has a deed from the grantee of Gilbert's representatives of the east $16\frac{2}{3}$ arpents of the south part of parcel A; and he is in possession of this lot.

Joseph died on the 4th September, 1912 (his wife having died in 1905); he left only one child, a daughter, the defendant Emily V. Sharon. In 1866 he had (with his wife) conveyed all his right in lot A to G.C.G.; and G.C.G. in the same year conveyed to Rose Taylor, through whom the defendants Taylor claim.

The position of the defendant Chevalier is rather different. He has a deed, but it is not of this property or any part of it, and it does not assist in any way to determine rights here in question. His predecessor in title and himself have been in possession of the part claimed by him, adjoining Gilbert's lot, from before the time of the amicable division by the three sons of Pierre Charron.

As to the main ground of one appeal, the result will depend wholly on the language of the testator.

We should . . . look to the formal judgment to see what we have to dispose of . . . Clause 1 deals with the declaration of title already spoken of; clauses 2, 3, and 4 direct a partition following on the declaration, and are unobjectionable; clause 5 is as to costs, and stands in the same category, with one exception to be mentioned later; clause 6 declares that the defendants Duby have not acquired title to any part of the lands, and the Duby appeal must now be dealt with.

The trial Judge proceeded on the ground that the Statute of Limitations did not begin to run against the heirs of Pierre Charron till the death of the last surviving life-tenant . . . Joseph . . . in 1912 . . . It is contended for the Dubys that they, who or whose predecessor had undoubtedly for many years before the death of the life-tenants had possession of the strip of land, can thereby hold it as against the heirs of Pierre Charron.

It is plain that, if he has any interest in the strip occupied by him, his appeal must succeed. To succeed so far as to obtain a dismissal of the action of partition, he must have exclusive ownership. The strip of land in his possession is said to be a part of Gilbert's third. If so, before the death of Olivier the life estate of Gilbert in the strip had become barred by the