sion was on the last devise, and the limitation was "to have and to hold to him *etc.* as aforesaid and not otherwise." . . . But in our devise there is no "etc." . . . We in no way attack the credit of the decision of the learned Chief Justice, but the contrary, so far as it affects this case, when we say that the present devise goes no further than its express words carry it. There is, consequently, no necessity for a new trial on the ground that all parties relied upon that decision.

The declaration in the judgment appealed from, that there is an intestacy after the life estate of the wives, should be varied by declaring an intestacy after the life estate of the sons.

The plaintiff appeals, asking for an order that the lands in question should be divided among the heirs of Gilbert, Olivier, and Joseph, and not the heirs of Pierre . . . or for a new trial to bring in evidence of a family arrangement by the heirs of Pierre.

The defendant Emily V. Sharon makes the same appeal on much the same grounds.

The defendants Strong, Chevalier, and Duby appeal, and ask that the action be dismissed as against them. . . .

Pierre Charron (or Sharon) died shortly after making his said will, leaving seven heirs-at-law: Nelson (or Narcisse), Olivier (or Oliver), Gilbert, Joseph, Amelia, Peter, and Emery (or Henry). The date of the death . . . must . . . have been about 1860. . . .

The three sons, Gilbert, Olivier, and Joseph, took possession of parcel A, and a few years after the father's death, say eight or ten, they divided it into three substantially equal portions, fenced the lots and occupied the land, each occupying one portion. . . . Each of the three (or his successor in title) continued to occupy his piece till his death; and the parcels were fenced off as occupied.

Duby and his predecessors in title have been in possession of his strip for about 50 years, and it is not disputed that the occupation was such as would give a title by the statute. Olivier died between 35 and 40 years ago, leaving a widow, who is now believed to be dead. She married one Israel Markham, and with her son, Frederick Henry Charron, and her husband, in 1884 conveyed the south part of parcel A to Firman Lappan. Other heirs-at-law of Olivier conveyed their interests to Lappan in 1886 and 1887. Lappan conveyed to Legacé in 1889, and Legacé to the defendant Strong in 1898; the possession in each case following the title ostensibly conveyed by the deeds, so that Strong