

The father and mother of Frederick William and one sister were dead. Daniel and the other surviving brothers and sisters, except the defendant Betsey Roblin, executed a conveyance of the land in favour of the plaintiff, a nephew of Frederick William.

Daniel W. Fletcher, in his evidence at the trial, said he continued to work the farm until about ten years before the trial. He also said that he was never disturbed in his possession of it, and that he never gave any acknowledgment in writing of Frederick William's title.

At the trial consent minutes in writing were put in, embodying certain findings and declarations which the Court was asked to make.

W. E. Gundy, for the plaintiff.

J. S. Fraser, K.C., for the defendants.

SUTHERLAND, J. (after setting out the facts):—The following findings and declarations were asked:—

1. A finding and declaration that on the 24th July, 1886, Frederick William Fletcher was the owner of the land (describing it), subject to certain charges which have since been satisfied, and subject to a mortgage for \$200, bearing interest at 8 per cent. per annum, to one Sarah Nevilles, who on the 28th August, 1891, assigned the same to the defendant Mary Garnett.

There is no difficulty about making a finding that Frederick William Fletcher was the owner of the said land on the 24th July, 1886, subject to the mortgage already referred to. No evidence was offered as to the charges which are mentioned having been satisfied, although they would seem to have run in favour of Elizabeth Fletcher, the mother of Frederick William Fletcher, and his sister Margaret M. Fletcher, both of whom are deceased, and of Mary Ann Fletcher, now McDonald, who is said to be one of the parties who has joined in the deed to the plaintiff; and it may well be assumed that they have been satisfied. If the parties to the deed in favour of the plaintiff, together with the defendants, are the heirs of the said Frederick William Fletcher, then they would be the proper persons to be affected by the question of whether or not the charges have been satisfied, and they are consenting to a declaration to that effect.

A further finding and declaration is asked in the consent minutes as follows:—

2. A finding and declaration that Frederick William Fletcher died intestate and unmarried, on or about the 25th day of April,