

to the reversion could not, one would think, in any event, be large. I fix and allow the sum of \$10 as nominal damages for breach of the covenant.

The plaintiffs will have their costs of the action, which, under the circumstances, as they are trustees, will be costs as between solicitor and client.

SUTHERLAND, J.

OCTOBER 24TH, 1911.

FLETCHER v. ROBLIN.

*Limitation of Actions—Title Acquired by Possession—Absentee
—Declaration of Death—Jurisdiction of High Court—De-
claration of Title—Vesting Order.*

An action by William G. Fletcher against Betsey Roblin and Mary Roe, by original action, and Mary Garnett, by order of revivor, for a declaration of the plaintiff's title to certain land in the township of Chatham, in Ontario, and for other declarations.

One Frederick William Fletcher, by deed dated the 14th January, 1871, became the owner of the land in question, subject to certain charges. On the 24th July, 1886, he executed a mortgage on the land in favour of one Sarah Nevilles for \$200. Within a few days thereafter, he left Ontario and went to Michigan. Before doing so, he made an arrangement, not in writing, with his brother Daniel W. Fletcher with reference to the land; he put Daniel in possession, on the condition that he would pay the taxes and the interest on the mortgage and do the road-work. Frederick William was then about 36 years of age. Reports were received about his whereabouts, but no definite word until the year 1895, during which three letters from him were received by Daniel, written from Belfast, Washington. Since the last of these, no word had been received from Frederick William, and no definite intelligence about him was obtained, in answer to inquiries. When he left Ontario, he was a bachelor, and no one had heard of his having since married.

Daniel continued in possession, doing as he had promised, until 1904, when the defendant Mary Garnett, a daughter of the defendant Betsey Roblin, who was a sister of Frederick William, entered into possession, as assignee of the mortgage made to Sarah Nevilles.