period: Doe d. Goody v. Carter (1847), 9 Q.B. 863; Myers v. Ruport (1904), 8 O.L.R. 668; Kipp v. Synod of Toronto (1873), 33 U.C.R. 220.

But, before the sale of the property to the defendants, and, as I presume, while the agreement between her and Pulling was current, Mrs. Brown did something, and at this time her acts, if sufficient in themselves, would enure to the benefit of Pulling, and so of the defendants. A mere entry upon the land, however, in assertion of title, or even repeated entries, is not enough. There must be something done that "amounts to a resumption of possession by the true owner:" Doe d. Baker v. Coombes (1850), 9 C.B. 714; Randall v. Stevens (1853), 2 E. & B. 641; Allen v. England (1862), 3 F. & F. 49; Thorp v. Facey (1866), 35 L.J.C.P. 349; Worssam v. Vandenbrande (1868), 17 W.R. 53; Solling v. Broughton, [1893] A.C. 556 (P.C.)

Mrs. Brown put up two or three notices of some kind somewhere upon or near the land in question, they were promptly removed by the plaintiffs, and she then relapsed into quiescence. This is clearly not enough to arrest the operation of the statute. The statute is specific in stating that no mere "entry or continual claim" will preserve the right of action. And there is nothing else. Pulling, the tax purchaser, says that he did nothing whatever, and he could not controvert the statements of the plaintiffs and their witnesses.

Breaks in the possession are not fatal, so long as the true owner does not in consequence resume possession: McLaren v. Morphy (1860), 19 U.C.R. 609.

Mr. Rodd refers to McMahon v. Grand Trunk R.W. Co. (1908), 12 O.W.R. 324, and contends that, as the plaintiffs' rights must still depend upon the fiction of a lost grant, they could not acquire title, as the defendants have only power to convey for specific purposes which can have no application here.

Leaving out of the question the obvious circumstance that our statute aims at the "extinguishment" rather than the creation of a title, the answer is plain enough, namely, that there is no question of a grant here from the defendants; they would not, in any event, be the grantors, for they did not acquire title until 1910—it is not a question of what they are presumed to have conveyed away, but what title they obtained, and what they have done to preserve and perfect it.

I have no doubt at all that the plaintiffs have acquired a title to possession and enjoyment as against the original owners