

In addition to enquiries having been made for him amongst those who might be expected to know something of him, advertisements have been inserted in newspapers in Chicago, and in Springfield, Massachusetts, asking information about him; and the Chicago city directories have been consulted; but none of these efforts have brought any results.

In *Hagerman v. Strong*, 8 U. C. Q. B. 291, it is said at p. 295, "the principle itself (that is the principle of law, as to the presumption of death) is founded upon the necessity of taking some measure of time as a rule in such cases, in order that it may not be forever uncertain at what time an absent person, of whom nothing has been heard, may be concluded to be no longer living. Seven years has been adopted as a reasonable period; the meaning of which I take to be that the law considers it possible that a person who has left his domicile, and gone abroad, may be still living, though nothing has been heard of him or from him for seven years; but does not consider it, morally speaking, possible that he should live longer without evidence being in some manner, afforded of his existence."

In Halsbury's Laws of England, vol. 13, p. 500, sec. 692, it is laid down that "as to death, on the other hand, there exists an important presumption, for if it is proved that for a period of seven years no news of the person has been received by those who would naturally hear of him if he were alive, and that such enquiries and searches as the circumstances naturally suggest have been made, there arises a legal presumption that he is dead."

Reference may also be made to *Willyams v. Scottish Widows' and Orphans' Life Assurance Society*, 4 T. L. R., 489; Phipson on Evidence, 5th ed., 644, and cases there cited.

The evidence before me warrants the making of an order declaring the presumption to be that Benjamin Charlton Oag is dead.

Costs of the application will be payable out of the insurance monies.