legacies. In that document the petitioners thought it necessary to set up what they then, having arrived at majority, considered was their *status* and that of their grandmother, and they allege:

"Que pendant son séjour dans le Territoire du Nord-Ouest il contracta *alliance, suivant les usages de ce pays, et vécut maritalement avec une femme de ce pays*, nommée Angélique Meadows, de laquelle il eut cinq enfants savoir; Angélique, plus tard la femme de Sieur Ignace Beaulieu, Alexandre, Marguerite, mère de vos petitionaires, John et Mary qu'il amena avec lui, ainsi que leur mère à la Rivière du Loup, en Canada."

"Que la dite Angélique Meadows, ayant, à son arrivée en Canada, été instruite des vérités et de la doctrine de la religion Chrétienne et *des lois du pays*, cessa de vivre avec le dit feu Alexandre Fraser, et se sépara de lui."

"Que le dit feu Alexandre Fraser vécut alors avec une autre personne, de laquelle il eut plusieurs *autres enfants naturels*, dont cinq sont encore vivants."

* * * * * * *

"*Que le dit feu Alexandre Fraser ne s'est jamais marié.*"

"Que lors de son décès, le dit Alexandre Fraser n'avait, soit dans ce pays ou ailleurs, aucun héritier ou représentants légaux."

In the absence of any evidence of marriage, this is decisive. It is an unqualified admission, and it is a subject about which the respondent could not be in error.

If conversations of fifty years ago were to be relied upon (they are the whole of respondent's evidence), it would seem that Angélique had a husband according to some custom when, it is pretended, she married Fraser.

Commentary is useless. I do not think it necessary to examine the question of prescription. The law is laid down in Art. 236, C. C. It has been contended that this article does not express the old law, and that respondent was not seeking to regain his *status*, but to take advantage of it; that this could not be prescribed, and that his title was the certificate of baptism. It seems to me that these interesting speculations can only arise on facts very different from those submitted for our consideration.

Great importance has been attached to the case of *Connolly* and *Woolrych.* That case seems to me to be very easily distinguished from this one. The judge found, as a fact, that there was a marriage, there was cohabitation for a considerable period of time in Lower Canada, and there was a formal declaration by the deceased Connolly that he was married to the Indian woman, made to the priest who baptised his children. It is sufficient to say this to explain the opinion at which I have arrived in the case before us, without any special reference to that case; and although I have read the report of it with great care, I do not feel called upon to express either approbation or the reverse of the long and able opinion of the learned judge who delivered the judgment in the Superior Court.

The remaining question is as to the distribution to the legatees under the will. Respondent claims on the whole $60,000, and he contends further, that, in so far as he represents his mother, he is not liable for the debts of the testator; or, in other words, that his share of the sold seigniories should be represented by so much of the price of sale, and not of the balance. I have only to say that I entirely concur with the learned Chief Justice on this point.

Judgment reversed, Monk, J., *diss.*

Larue, Angers & Casgrain, for appellant.

Geo. Irvine, Q.C., counsel.

Tessier & Pouliot, for respondent.

GENERAL NOTES.

The Supreme Court of the United States, from October, 1884, to May 4, 1885, delivered 272 opinions. Number of cases affirmed 199; reversed 97; dismissed 39. Number of cases remaining undisposed of 861.

Life Insurance is the great American fraud; and the only difference between the two systems—the regular and the co-operative—is the difference between two frauds. In both of them a fool trusts his cash to a man of whom he knows nothing, without security.—*Central Law Journal.*

The *Law Times* (London) criticizes the use of the phrase "pass upon," in the sense of decide or adjudge, and calls it an "unpleasant American phrase." On which the *Albany Law Journal* observes: "And yet it is used by Shakespeare and Jeremy Taylor, and we venture to say never until now has been condemned except by some philological pedant."