

5. I know the lot of land, now Lot seven (7), which was given to my brother-in-law, Joseph Goudon, by my father-in-law, Joseph Larocque, and the building which was on it. My brother-in-law used the building, which was large, about twenty feet square, as stables, and he built another building, also for stabling, on the same land and occupied them both for many years before and at the time of the transfer and up to the time he sold the same to Mr. Clarke. We all knew that the land and building were given to the said Goudon by his father-in-law, and all the family were aware of it.

THE STATUTE

under which this claim is made is 33 Vic., ch. 3, sec. 32, s. s. 3, which says :—

"All titles, by occupancy, with the sanction and under the license and authority of the Hudson Bay Company up to the 8th day of March aforesaid, of land in that part of the Province in which the Indian title has been extinguished shall, if required by the owner be converted into an estate in freehold by grant from the Crown."

This Parish of Ste. Agathe was a portion of the Province in which the Indian Title it is said had "been extinguished," and this legislation was designed "for the quieting of titles, and assuring to the settlers in the Province the peaceable possession of the lands now held by them" (12th May, 1870.)

The Act had the effect of "assuring to the settlers" * * "of lands" then "held by them," the "*peaceable possession*" and "the quieting of titles" to such lands; and an "estate in freehold" if required by the owner. This section does not limit the possession to a "lot," although the term "lot" is used in section 31, but defines the holding as the "occupancy" of land, which may mean more than a lot; not likely to mean less.

1. The first question that present itself is: Had Clarke or his vendor "peaceable possession" of the tract or lot of land in question?

2. To what extent is "possession" required of such "tract"? How long is the possession required to be? What is the nature of the "possession" which entitles the holder "to a freehold" under the Act?

"Occupancy" or possession" is a wide word, and of large application. In cases in the new territory in Manitoba almost any actual locating on lands, combined with residence, must be taken to have been "possession" or "occupancy" within the meaning of the Act. I have no doubt Governments in their dealings with the "settlers" in the Province of