

"I cannot read or write, nor do I understand the English language."

Alexander Scott.—Declaration 19th July, 1879. "I have lived continuously in the immediate neighbourhood of the village of West Lynne aforesaid since the year 1867."

"I have known Joseph Goudon ever since the said year."

"From the said year until 1872 said Goudon lived upon what is now known as lot number five (5) of the Dominion Government Surveys of the said Parish of St. Agathe."

"The only improvements said Goudon ever had on said lots since I have lived in the said Province of Manitoba were a small dwelling house about twelve feet by sixteen feet in size, containing only one room, a small stable about ten feet by ten feet, and a small field cultivated and fenced containing from three to four acres or thereabouts."

"No improvements have ever been made on said land since said Goudon left it in 1872. The said house and stables were on said lot 5, but I cannot say whether the whole of said field was on said lot 5, as no survey lines were run at the time Goudon lived on said land, and all traces of the field are gone, but to the best of my judgment it was entirely on said lot 5."

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 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 St. 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.

1. The first question that presents itself is: Had Clarke or his vendor "peaceable possession" of the tract or lot in ques-