dows." In the registry of baptism, the name given to the mother is her maiden name. It is said that this is all the law requires, and that the officiating clergyman has no right to insert anything he is not obliged to insert. It certainly would not have been a trespass had he given to the wife her husband's name, which he did not do, because it was not given to him, we must presume. This, then, is a very solemn occasion on which F. refused this woman his name.

As to repute, common report, rumour or fame, call it which you will, there is a great distinction to be made. Rumour or fame may be words spread abroad without any authority, owing its origin to malice, and its acceptance to credulity; or, it may be, a common opinion made known by words, and arising out of some grounded suspicion or indication. Now it appears to me that it is impossible to read the deposition of the witnesses produced by respondent without being struck with its artificial and unauthoritative character. It is based upon no indication but that Fraser and Angelique Meadows had lived together and had children, and the hearsay marriage, according to the unproved Indian custom. In other words, the witnesses begged the whole question. Here, then, are people who avowedly know nothing of the marriage, and who saw no conclusive signs of the existence of a marriage, seeking to impose their idle and irrelevant gossip on the court under the guise of evidence. This is the rumour which the jurisconsults call, "*falsus sermo*," "*et qui certum nuntium atque auctorem non habet.*"

By the testimony produced by the respondent, opposant in the Court below, it appears to me that there is no evidence of the three characteristics of *possession d'état* now insisted upon by him. Leaving aside, for the moment, the question of prescription, let us add to what precedes the fact, that the respondent has allowed the intermediate generation almost to pass away, before he comes to claim as a novelty, in right of his mother, this *status* which, if the testimony of his witnesses means anything at all, she always enjoyed. It seems incredible that anyone could believe such a pretention.

But now let us turn to the evidence adduced by the appellant. The general repute of the illegitimacy of all Fraser's children, and that he never was married at all, is attested by Henry Davidson, Telesphore Michaud and Xavier Laforest, in quite as positive a manner as any of the witnesses who have testified to the marriage, and it is supported by indications which it is not easy to explain away. We have seen Fraser never called Angelique Mme. Fraser to anybody that can be produced; that he did not give her his name before the Presbyterian minister at Quebec in 1801. Before her death she had become a Roman Catholic, and she was buried at St. Patrice, where a regular register was kept, and no one thought of saying the deceased was the wife of Fraser. She is described as "Angelique, sauvage, native des pays du Nord-Ouest." To pretend that this was the certificate of burial of the Seignior's recognized wife is to presume on unbounded credulity.

Fraser died in 1837. The difficulty as to the will, owing to the sale of the seigniories, was perfectly known. The opinion of counsel was taken, and on his opinion a *partage* was agreed upon without any one dreaming of contending that Angélique Sauvage, native des pays du Nord-Ouest," was the legitimate wife of the testator. But respondent says he is not bound by this *partage*, to which he was not a party. That may be, but that is not the question for the moment. Whether it binds the respondent or not, it is at all events an act of all the persons who could act, and it assumes as incontrovertible that Fraser was never married. As to the pretention that respondent never acquiesced in this, it is not exact. Over and over again, he took money under this arrangement and gave receipts. Of course this may be error, and he may be relieved from it; but that is not what he seeks. If he has acquiesced in this *partage*, he should have it set aside. He has no right to hold to the bad title and get another incompatible with it.

But did he make a mistake about the share falling to him? On the 2nd April, 1862, the respondent, his mother and sister, made the petition to the Governor-General, already mentioned, praying him to renounce, on the part of the Crown, to any pretention that the alienation of the seigniories annulled the