

tivation or improvements whatever—at least 45,000 acres are allowed of that kind—stakes were put down at the corners of lots, without residence, cultivation or improvements; and such claims are deliberately allowed by an Order in Council. Here is one with actual occupation and possession—evidenced by residence, building, fencing, cultivation and improvements—for years, and having tenfold more strength as a claim; and it should in my opinion, with much greater force of law and facts supporting it, be allowed.

I refer again to the view which, as I understand the precedents in the Department of the Interior, cannot be disputed, that “possession” does not merely refer to the actual land it may be on which a house has its site, or to the actual land enclosed within a fence, or the actual land ploughed and cultivated; but to the “lot” or “tract” on which the house is situate, or on which a portion is fenced, cultivated or improved. In this case both principles apply. Lot 9 was built upon, fenced, cultivated and improved.

JAMES BEATY, Q.C.

OTTAWA, 29th April, 1882.

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