more than twenty-one years afterwards, and upon its being then found that there was an old custom of the manor by which he had a right to curtesy, his possession was referred to that title, which was consistent with the title of the other party (see per Wood, V. C., in *Thomas* v. *Thomas*, 2 K. & J. 79.) This last-named case, decided in 1855, is itself in point. Here it was held that if a father has entered upon the estate of his infant children, the presumption is that he entered as their guardian and bailiff. So to in Co. Litt. sec. 375-377, it is said, "If a feoffment bee made by deed poll upon condition, and for that the condition is not performed, the feoffor entereth and getteth the possession of the deed poll, if the feoffee brings an action for this entrie against the feoffor,—when the feoffor hath the deed in hand, and is pleaded to the Court, it shall be rather intended that he cometh to the deed by lawful means, than by a wrongful mean." And the general presumption against crime, fraud, covin, and immorality is equally applicable to acts done abroad: (Best on Ev., 6th Ed., p. 538.)

Moreover, even where guilt or illegality can be established only by proving a negative, that negative must, in most cases to which no special statute is applicable, be proved, although the general rule of law devolves the burden of proof on the party holding the affirmative. An old example of this appears in *Monke* v. *Butler*, 1 Rol. 83. (12 JamesI.) Here, in a suit for tithes in the Spiritual Court, the defendant pleaded that the plaintiff had not read the Thirty-nine Articles according to the statute, and the Court put the defendant to prove it though a negative. The defendant prayed a prohibition, "que n'est possible a producer homes a jurer que il ne unque lie les articles car n'est ascun home que ad estre touts tempts al praiers." But this was refused, and the Judges, Coke and Doddridge, laid it down: "La ley presume que il lie les articles . . . et lou la ley presume l'affirmative la ley negative serra prove come si ne unque accouple en loyall matrimonie soit plede c'est negative doit estre prove." This case of *Monke* v. *Butler* is cited as a very strong case in *Powell* v. *Milburn*, 3 Wils. 355 (1772), which is itself very analogous, as is also the case of *Rex* v. *Hawkins*, 10 East, 211 (1808). In *Williams* v. *East India Co.*, 3 East, 192 (1802), the plaintiff declared the defendants had caused the loss of his ship by putting on board a dangerous commodity *without due notice*; and it was held to lie with him to prove this negative averment. So, again, in *Sisson* v. *Dixon*, 5 B. & C. 758 (1826), where a common carrier, charged with the loss of a parcel, contended that the plaintiff should have proved that the goods were duly entered at the custom house, it was held that this was not so, for that the presumption always is that the party complies with the law. And in *Rodwell* v. *Redge*, 1 C. & P. 220 (1824), when it was objected that the plaintiffs had not proved that their theatre was duly licensed, Abbott, C. J., said: "I shall presume the license from the fact that the performance went on. If it were not so, they would all be rogues and vagabonds."

The presumption against illegality appears again in that class of cases which illustrates the rule that ambiguous instruments or acts shall, if possible, be construed so as to have a lawful meaning. Thus in Co. Litt. 42 a, it is said, "If tenant in taile make such a lease (*i.e.* for life) without saying for whose life, this shall be taken, but for the life of the lessor for two reasons, First, be-