

for lots 7 and 9 in the Parish of St. Agathe, Manitoba, under the provisions of the Act 33 Vic., cap. 32, and I have also read the opinion of James Beaty, Esq., Q.C., on the claims in question.

If "peaceable possession" of lands in Manitoba held by persons on the 12th of May 1870, or on the 15th July 1870, as set forth in the Act 33 Vic., cap. 32, gives a right or title under the Statute to a patent, which will not I think be denied, there can be, in my opinion, no possible doubt of the completeness of Mr. Clarke's undoubted right to obtain patents. Goudon and Meehan, his assignors, were in full and actual possession and occupancy of the lands sold by them to Mr. Clarke—the former (*Goudon*) of the land now designated under the new Government Survey as lots 5 and 7, and Meehan of the land now in the same manner designated as lot 9, in the Parish of St. Agathe, not only on the 15th of July 1870, but Goudon had been in full possession and occupation—*actual and continuous possession and occupation*—of the land for about seven years before, and on the 15th July 1870, and for nearly two years after that date, and for some time after he sold to Mr. Clarke.

Meehan was in *actual possession and occupation* of the land sold to Mr. Clarke for a year or two before he sold to Mr. Clarke, in March 1871. When the claims of so many hundreds of settlers on land in the new Province, and of their assignors, have been cheerfully admitted and allowed by the Government on very slender proof of possession, ownership and occupation, it does appear to me most singular why Mr. Clarke's right to obtain patents can be disputed. I am informed that by the Order in Council of the 25th of February 1881 thousands of acres of land—*unoccupied lands in Manitoba*—have been granted to persons who had merely planted stakes in the ground at certain distances to designate their so called claims *a few days or hours before the transfer*. No improvement, no occupancy, no possession—and still they are treated most liberally, to say the least, and their claims recognized.

While, with another Order in Council of a much earlier date (20th April 1876) still in full force whereby squatters on river lots are allowed to acquire the same on payment of \$1 or \$5, as the case may be, per acre, I cannot conceive how Mr. Clarke's claim can be denied, either under the provisions of the Act 33 Vic., cap. 32, or under the provisions of the Order in Council 20th April 1876, or under either of them, I consider Mr. Clarke's right to obtain his patents for lots 7 and 9 in St. Agathe to be legally and equitably well founded.

C. J. COURSOL, Q.C.

OTTAWA, 15th May, 1882.

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