

But there is still another question of very great importance to be decided, and that is, whether, admitting the legality of the first marriage, a community of property resulted from that marriage? Were Connolly and his Indian wife *Communs en biens* as claimed by Plaintiffs' Counsel, and as understood by the law of Lower Canada? The answer to this question involves a point of law and one of fact. The Honorable Mr. Justice Aylwin, a witness for the defence, and whose evidence has already been referred to, by his testimony, disposes of this branch of the case as decisively as he did that of his uncle's marriage with the Indian woman. He says: "At the time the Plaintiff came to Quebec, in 1813, my uncle lived with his sister, Mrs. Delmar, and at the same time the late Mr. Connolly came, Julia Woolrich came also from Montreal, where she was living, and spent the winter with her. At that time it was understood among all the family, (that is, by my father, my mother, my aunt Delmar, my uncle, and Mrs. Connolly, then Julia Woolrich,) it was understood that there would be a marriage whenever my uncle could return to Canada, and get rid of the country. Again, my uncle always said that his intercourse with the Indian woman was to cease when he left the Indian country. He also said he was obliged to do as the natives did when he lived in the North West. He said also that they were brutes, and that he *always intended* to return to Canada, to marry my aunt and live happily here in a civilized country. Further, this witness, who knew all about his uncle's affairs and intentions, says:—"The late William Connolly was a native of Lower Canada. I know that he went to the North West country with the intention of making his fortune there, and returning to Canada to reside permanently."

According to this evidence, Mr. Connolly and Julia Woolrich were under an engagement of marriage during a period of nineteen years, and all this time, on ' most interesting to some people, he was living with an Indian woman whom he introduced every where as his wife, and by whom he had a numerous family. But that is not the question here, though worthy of note in many respects. The Court has no hesitation in saying, that the evidence of Mr. Justice Aylwin, in regard to the facts just adverted to, requires no corroboration. His high position, his eminent name and abilities, place his statements with reference to these particulars beyond the reach of cavil or doubt.

The late William Connolly was born at Lachine, in Lower Canada, about the year 1786, he being seventeen years old when he was married. He was by religion a Roman Catholic, and had