

matrimonial domicile, such as it was, did not change or supersede the one of origin. In that case, whatever may have been the law which prevailed at Rivière aux Rats, a community of property existed between him and his Indian wife from 1803, the date of their marriage. The Court is further of opinion, that, supposing the domicile of birth to have been suspended, if I may so express it, during Connolly's absence in the North West Territory; yet it would revive upon his return to Lower Canada. In that view of the law, he always having had the intention of leaving the Country and returning to Lower Canada, and that intention having been fulfilled by his return, long residence, and death, at Montreal, community existed from the date of his marriage with his Indian wife. Upon both points, therefore, the marriage and the distribution of the property acquired during its existence, according to the pretensions of the Plaintiff, the Court is in his favor.

In conclusion, it becomes the duty of the Court, to thank the Counsel on both sides, for the able assistance given by their argument of this very important case. The judgment must be entered in favor of Plaintiff, and against Defendants.

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