

September 15, 1920

Dear Sir,-

With reference to correspondence regarding the legality of the marriage of Robert Jamieson and Florence Porter, I have to state that this Department has been informed as follows by the Department of Justice :-

" I have the honour to advise that while apart from the provisions of section 35 of the Marriage Act, chapter 148, R.S.O., there would in my opinion be no doubt that these parties were not validly married, I think there is sufficiently grave doubt as to the competency of the Province to legislate to be valid a marriage not solemnized in accordance with the law to warrant this department declining to take the responsibility to pronounce upon its validity for the purposes of the present reference."

" I would suggest that the proper course for you to follow under the circumstances is to direct the attention of those concerned to the provincial statutes and to say that you think they must be prepared to be guided by their own judgment or that of their legal advisers as to its validity and effects."

Will you be good enough, therefore, to advise the parties concerned in accordance with the last paragraph of the opinion of the Department of Justice?

Yours truly,

Gordon J. Smith, Esq.,
Indian Superintendent,
Brantford, Ont.

John L. ...
Acting Deputy Superintendent General.

Indian Affairs. Letterbook,
10 September 1920 - 25 September 1920,
(R.G. 10, Volume 5825)

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