

Mountains, Vancouver's Island, or the Mackenzie River ? was it at Rainy Lake, the Lake of the Woods, Fort Cumberland, York Factory, or Norway House ? was it at Isle à la Crosse, Rat River, or Fort William ? He seems to have visited and to have resided with his family at all or nearly all these places, and it is in evidence that he frequently came to Canada, and more particularly, he was present at the baptism of Plaintiff in 1813 and was at Montreal in 1814. Now in regard to these trading posts, it must be borne in mind that they were situated widely apart—in some cases more than a thousand miles distant, over impassible regions of wilderness. He was a fur trader, and in the prosecution of his business, he went to and fro from trading post to trading post, up and down great rivers, over mountains, across prairies and lakes, and through forests where the European had no settled home, where neither the hand of man nor the arts of civilization had subdued the wilderness or reclaimed the barbarian. The success of his trade itself depended upon barbarism upon the cunning and active co-operation of the native savages and the successful entrapping and slaughtering of the beasts of the forests. He was a dweller around the Indian hunting grounds, and a dealer in furs and skins. There were then no houses except within the forts, no villages, no colonies, no plantations, no civilized settlements, no political or municipal limits, circumscriptions, or institutions, in most of these places ; there were no Courts of law, and scarcely any law, except the will of the trader, and the native customs and usages of the Indians. And there was a good reason for the absence of these, because, as before stated, the pecuniary success of both the Hudson's Bay and the North West Companies depended upon retaining those vast regions in a state of barbarism, and they had the power to exclude all other traders and settlers, and consequently to prevent the introduction of every element of European civilization.

Can the Court under these circumstances determine where Mr. Connolly's domicile was, in the North West ? It seems to me to be impossible. But I might, I think, go further, and say that under the circumstances to which I have just adverted, and situated as Mr. Connolly was, he could acquire no legal domicile at Rat River ; and in any case, I am clearly of opinion that whatever kind of domicile he may have acquired—for example, we may assume that his matrimonial domicile was there—yet, as a matter of fact, he did not lose his original domicile, his domicile of birth ; and in support of this view of the law, it may be proper to refer to some additional authorities on this point, cited by Mr. Stephens.