natives who were joint occupants of the territories; nor did it supersede or abrogate, even within the limits of the Charter, the laws, usages, and customs of aborigines:

That no other portions of the English Common law, than that introduced by King Charles' Charter obtain in the territories of the Company:

That the English law was not introduced into the North West territories by the cession by France to England, nor by royal Proclamation subsequent to that date:

That neither the decrees of the Council of Trent, nor the ordinance of the French kings, nor the British Marriage Acts, were law or in force at Rat River, or in any part of the North West Territories, in 1803:

The answers to the main questions were not arrived at without a mass of evidence being taken, much of which we should not look upon as altogether relevant to the issue, and which did not shew the habits of one of the principal "protectors" of the settlement, to be the most moral in the world. The points decided with respect to the law of marriage, were the following:

That a marriage contracted where there are no priests, no magistrates, no civil or religious authority, and no registers, may be proved by oral evidence, and that the admission of the parties combined with long cohabitation and repute will be the best evidence:

That such a marriage, though not accompanied by any religious or civil ceremony, is valid, and that an Indian marriage between a Christian and a woman of that nation or tribe is valid, notwithstanding the assumed existence of polygamy and divorce at will, which are no obstacles to the recognition by our Courts of a marriage contracted according to the usages and customs of the country:

That a Christian marrying a native according to their usages, cannot exercise in Lower Canada the right of divorce or repudiation at will, though this is a right which, together with polygamy, obtains among the Crees:

That an Indian marriage, according to the usage of the Cree country, followed by cohabitation and repute, and the bringing up of a numerous family, will be recognized as a valid marriage by our Courts, and that such a marriage is valid: the Indian custom being, as regards the jurisdiction of this Court, a foreign law of marriage, which obtains however within the possessions of the Crown of England, and which cannot be disregarded so long as they are unaltered:

That Connolly never lost his domicile of birth and never acquired one in the Indian Territory.

A late decision in England shows that a somewhat different view of the law is there taken in cases where a marriage is contracted between a man and woman who profess a faith allowing polygamy, in a country where polygamy is lawful; it having been held that such a marriage was not a marriage as understood in Christendom; and, though valid by the *lex loci*, and though both parties were single and competent to contract marriage, the English matrimonial court will not recognize such as a valid marriage in a suit by one of the parties for dissolution of marriage on the ground of the other's adultery—*Hyde* v. *Woodmansee*, Law Rep. 1 P. & D. 130.

A somewhat similar case to that decided in Lower Canada was the English case of *Armitage* v. *Armitage*, (L. R. 3 Eq.: 343—noted in Dig. of Eng. Law Rep. *ante* vol. III., N. S., p. 301.) But in that case the evidence before the court as to the alleged marriage was not very satisfactory, being that of the supposed husband, who said he was a British subject, born abroad, of British parents; that he came to New Zealand in 1828, and had lived there ever since; that, in 1829, he married Tuhi Tuhi, and that such marriage was solemnized according to the laws and customs then in force in New Zealand; that New Zealand was not then a British colony, and there was not then a Christian minister, nor any register of marriages, in the island; and that Tuhi Tuhi had always lived and still lived with him as his wife. He did not state his parents' name. He said that Hannah, before her marriage, was called Tuhi Tuhi, and not by her father's name, in conformity with the customs of the natives of New Zealand, but there was no evidence what the laws and customs of such natives were. But no evidence was given as to the laws and customs of the natives respecting marriages. The Court held that this evidence was insufficient to establish either of these points.

John Gwynne, Esq. Q.C. has been appointed to take the Assizes for York and Toronto, in the absence of the Chief Justice.