

and entitled to share the community according to the Laws of Lower Canada.

The question of the validity of such a marriage is new, and as the case will probably be carried to the Privy Council, we may in course of time look for an interesting discussion of the subject by the highest legal authorities. It may be within the recollection of our readers that the validity of a Mormon marriage was recently considered in England. Marriage, as understood in Christendom, was defined by Judge WILDE to be the voluntary union for life of one man and one woman to the exclusion of all others, and he held that a marriage in a country where polygamy is lawful between a man and woman who profess a faith which allows polygamy is not a marriage as understood in Christendom. A Mormon marriage was therefore held invalid. In the case of Connolly, though we think it to be taking a very extreme view to say that polygamy was not lawful in the Indian country, yet the husband of course did not profess a faith which permitted polygamy.

THE RETIREMENT OF MR. JUSTICE AYLWIN.

The Bench of the Province of Quebec has sustained a serious loss in Mr. Justice AYLWIN, who announced his resignation of office during the last term of the Court of Queen's Bench sitting on the Appeal side. It would be faint praise to speak of this learned judge as one of the ablest on the Canadian Bench, for it would be difficult, if not impossible, to name any one so highly gifted with the qualities which make a great judge. Clear and forcible in his statement of facts, powerful and convincing in his reasoning, and singularly pleasing and impressive in his delivery, he never failed to give the hearer the idea that he was listening to a great man. The vigor and ability with which he presided over the Crown sittings of the Queen's Bench made his name a household word throughout Lower Canada, and gained for that Court an unwonted prestige. Perhaps somewhat of the impression of ability he inspired was due to the rapidity with which he arrived at his conclusions. It seemed as though it were impossible for him

to be in doubt. At all events, he seldom or never betrayed the slightest hesitation or uncertainty in the delivery of his decisions. KAYE, cited by MORGAN, thus wrote of him:—"Mr. AYLWIN bore the reputation of the best debater in the Assembly, a man of infinite adroitness and lawyer-like sagacity, skilled in making the worse appear the better reason, and in exposing the weakness of an adversary's case." The fame which he won at the bar and in the Legislature has been greatly augmented by his judicial career, and even while afflicted with ill health and sickness, his zealous attention to public duties has been such as to excite general admiration.

The reasons given by the learned judge for his retirement were not of the most pleasant nature. He expressed deep dissatisfaction at the obstacles that lay in the way of a prompt and satisfactory administration of justice—obstacles in part created by the Executive, in part by his own colleagues, and in part by the unseasonable loquacity of a few members of the bar. However this may be, we trust that the great abilities of Mr. Justice AYLWIN are not yet wholly lost to the profession and the public, and that, being far from the evening of life, he will yet win new claims to the gratitude of his country.

THE CODE OF CIVIL PROCEDURE.

The Code of Civil Procedure of Lower Canada, revised and corrected in accordance with the Act of last Session, by Royal Proclamation dated the 22d of June, was declared to come into force from and after the 28th of June, 1867.

REGISTRATION IN THE PROVINCE OF QUEBEC.

An important change is about to be made in the mode of registration, under the provisions of Arts. 2166—2173 of the Civil Code. It will be remembered that these articles provide for the making of plans by the Commissioner of Crown Lands, upon which plans, each lot of land is to be designated by a number. Copies of the plans and books of reference are to be deposited in the Registry Offices, and notice thereof given by proclamation, after