

## The Canada Law Journal.

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### PROEM TO VOLUME THE THIRD.

As the beginning of the THIRD VOLUME of the LAW JOURNAL coincides with the beginning of a new era in our history, we have thought proper to drop the prefix "Lower" from the title, and to adopt the more general title of "THE CANADA LAW JOURNAL." For while the jurisprudence of that central portion of Canada, hitherto styled Lower Canada, will continue to receive special attention in our pages, it has become necessary that the scope of the LAW JOURNAL should be enlarged so as to include the jurisprudence of the Confederation, and to keep pace with the legislation of the House of Commons, to which have been confided the important subjects of Bankruptcy, Bills of Exchange and Promissory Notes, Banking, Marriage and Divorce, &c., and the Criminal Law.

There is no good reason why there should not be a gradual assimilation of the law of all parts of the Dominion of Canada. In all civilized countries, the differences between the best legal minds are narrowing and dwindling away. The writings and *dicta* of American jurists are received with respect in the highest European Courts, and *vice versa*. All educated men must feel it their duty to do what they can towards assisting the establishment of a broad and uniform jurisprudence.

### QUEEN'S COUNSEL.

The creation in one day of two dozen Queen's Counsel in the Province of Quebec alone has naturally excited much criticism. Some received the announcement with violent indignation, others with contemptuous indifference, but no one, as far as we have observed, has had a word to say in justification or apology. The precise amount of honor attaching to the letters Q. C. was previously somewhat vague and uncertain. We knew that the title was frequently conferred as a reward for electioneering services; that it was

not uncommonly bestowed on partizans of slight professional repute while it was withheld from men of sterling worth who meddled not in "the muddy pool of politics;" but it was still held in some estimation, and the silk gown was not without dignity. Now, however, all ambiguity on the subject has been removed. That which in England is the victor's palm, the prize of a good fight, the reward of a successful career, has here been conferred, in some instances upon gentlemen who have long ceased to practise their profession, and in others upon political adherents of dubious antecedents. The rank of Q. C. has fallen to somewhat the same level as that of J. P., or some of the other titles which have been lavishly bestowed, and if there were not another appointment for the next twenty years, the prostrate dignity would hardly recover from the shock.

### MONTHLY NOTES OF CASES.

With the present volume of the LAW JOURNAL is commenced a series of Notes of such cases as are either not of sufficient importance to require an extended report, or which our limited space will not permit us to report at length, but which nevertheless may afford some useful hints. These MONTHLY NOTES will contain as nearly as possible the *ipsisima verba* of the judges, (pruned of redundancies and repetitions,) taken with the aid of stenography, and will be prepared specially for the LAW JOURNAL. Other publications reprinting them will please give credit.

### INDIAN MARRIAGES.

A case of great interest, recently decided by Mr. Justice MONK, will be found in the present number. The points decided by the learned judge are that the connection of a white man with an Indian woman in the Indian territory was a marriage valid in Christendom, and could not be repudiated; that a person going from Lower Canada to the Indian territory on business, and leading a roaming life in that country for twenty-eight years, never lost his original domicile, and that his children by the Indian wife were legitimate,