

porating the "St. Joseph's Union of St. Jean d'Iberville."

Cap. LII. An Act to amend the divers Acts incorporating the town of Lévis.

Cap. LIII. An Act to incorporate the Society called the "Union St. Pierre du Village Bienville de Lévis."

Cap. LIV. An Act to incorporate the Society called "L'Union St. Joseph à St. Sauveur de Québec."

Cap. LV. An Act to authorize the Ministers of the Church calling themselves the "Catholic Apostolic Church," in the Province of Quebec, to solemnize matrimony, and to keep registers of baptisms, marriages and burials.

Cap. LVI. An Act to authorize the Sisters of Charity of the General Hospital of Montreal to acquire property to a certain value, and to dispose of the same.

Cap. LVII. An Act respecting the minutes of the late Theodore Doucet, in his lifetime of the city of Montreal, Notary-Public. This Act permits the minutes referred to to remain in the hands of the son of deceased under certain conditions.

Cap. LVIII. An Act to facilitate the partition of the estate of the late John Coffin.

Cap. LIX. An Act to authorize the Montreal board of Notaries to admit, after examination, Norbert D. D. Bessette to practise as notary.

#### THE LAW OF MARRIAGE.\*

The law regulating marriage is a subject which has of late attracted considerable attention in various quarters of the globe, and not least in both Upper and Lower Canada. In the pamphlet before us, consisting of articles which appeared a short time ago in the *Nouveau Monde*, Mr. Girouard has taken up the subject with great vigour and animation, and advocated his views with his usual ability and eloquence. We cannot at present enter into a detailed notice of the various points considered by Mr. Girouard, but will briefly state some of

his conclusions, with a few extracts from his argument. Mr. Girouard seeks to show that as well under the Code as previously, the marriage of Catholics should be celebrated, "1. En face de l'Eglise. 2. Par le propre curé des parties. 3. Après publication ou dispense de Bans. 4. Il ne doit exister aucun empêchement non dispensé par leur évêque." He contends that the marriage of Protestants should also be celebrated by their own minister, publicly, after the publication of bans; unless there be a marriage license, in which case it is sufficient that the marriage be celebrated by the minister of the parties. The marriage of a Catholic with a Protestant should be performed in the same manner, according as it is celebrated by the priest or minister of one or other of the parties. The marriage of Catholics in holy orders, or of persons civilly dead, he maintains to be null.

Referring to the case of *Perry v. Lighthall*, recently decided, the writer deplores the facility with which some clergymen unite in matrimony persons who come to them with a license. "Que doit donc exiger la loi pour la célébration des mariages, pour empêcher les abus déplorables que nous venons de signaler? La réponse à cette question est simple est courte; le mariage, pour être valablement contracté, doit être célébré par le propre prêtre ou ministre des parties, ou avec son autorisation écrite." The author would read the 128th article of the Code, "Marriage must be solemnized openly, by a competent officer recognized by law," with the following addition, "suivant les usages et les règles de l'Eglise des parties."

In some parts of his observations, Mr. Girouard departs to some extent from the strict province of the lawyer. Thus, he regrets the restriction imposed on the Pope's power of dispensation: "Il est surtout regrettable que le code ait innové à l'ancienne jurisprudence quant au droit du Pape de dispenser de l'affinité au degré prohibé, comme entre beau-frère et belle-sœur, changement qui pourrait avoir des résultats désastreux; car personne n'ignore

\* Considérations sur les lois civiles du mariage, par Desiré Girouard, Avocat, Montréal.