

DIARY FOR FEBRUARY.

1. Thur.. Last day for Co. Treas. to furnish to Clerks of Muns. in Co.'s list of lands liable to be sold for taxes. Exam. of Law Students for call to the bar with honors.
2. Fri... Exam. of Law Students for call to the bar.
3. Sat... Exam. of Artic. Clks. for certificates of fitness
4. SUN.. *Sexagesima Sunday.*
5. Mon.. Hilary Term begins. Last day for Artic. Clks. going up for inter-exam. to file certificates.
7. Wed.. New Trial Day, Q.B. Last day for sett. down and giving notice of re-hearing in Chancery.
8. Thur. New Trial Day, C.P. Inter-examinat'u of Law Students and Articled Clerks.
9. Fri... Paper Day, Q.B. New Trial Day, C.P.
10. Sat... Paper Day, C.P. New Trial Day, Q.B.
11. SUN.. *Quinquagesima Sunday.*
12. Mon.. Paper Day, Q.B. New Trial Day, C.P.
13. Tues.. *Shrove Tuesday.* P. D., C.P. N.T. Day, Q.B.
14. Wed.. *Ash Wednesday.* P. D., Q.B. N.T. Day, C.P.
15. Thur.. Paper Day, C.P. Open Day, Q.B. Re-hearing Term in Chancery commences.
16. Fri... New Trial Day, Q.B. Open Day, C.P.
17. Sat.. Hilary Term ends. Open Day.
18. SUN.. *Quadragesima Sunday.*
25. SUN.. *2nd Sunday in Lent.*

The Local Courts'

AND

MUNICIPAL GAZETTE.

FEBRUARY, 1872.

The Index and Table of Cases, as well for the *Law Journal* as for the *Local Courts Gazette*, are printed, and will be sent to subscribers in a few days. They are very full and complete. We regret that, owing to unavoidable circumstances, their issue has been delayed. We have also to apologise to subscribers that our monthly appearance has, for a few numbers past, been so late. Our present arrangements, however, will, we hope, correct this in future. We think, moreover, that we can promise to subscribers for this year more information, and of greater variety and interest than formerly. We cannot say, that the encouragement we receive from the subscribers to the *Local Courts Gazette* is such as we could wish, whilst, on the other hand, the *Law Journal* list is largely and steadily increasing. The falling off in the business of Division Courts, and the fact that its officers now as a rule thoroughly understand their duties, and the practice has become well settled, may account for the want of a general increase to the list of subscribers to the former publication.

An unsuccessful attempt was made some short time ago in our Court of Queen's Bench to establish the legality of a marriage be-

tween a coloured man named Harris, a slave in Virginia, with another slave there, in the year 1825. The marriage was performed by a Baptist minister, with the usual ceremony, and with all the formalities practicable to make it binding, but without a license, which slaves could not obtain. They lived together as man and wife until 1833, Harris having a house of his own in Richmond, and working at his trade as a painter, paying his master for his time, as was customary. In 1833 he escaped to New York, where he married another woman, while his wife remained in Richmond, and was again married there. It was proved that by the law of Virginia, until the last five years, slaves were incapable of marrying: that to constitute a strict legal marriage between free persons a license was essential; but that slaves could not obtain it or in any way contract a legal marriage, being regarded by the law as property, not persons.

It was contended that the parties having done all in their power to make their marriage binding, it must be held valid here, the only impediment to its validity in Virginia arising from the law of slavery, which our law could not recognize; but the Court held the validity of the marriage must, according to the general rule, be determined by the law of the country where it was celebrated, the parties not being British subjects.

Such a case is not likely to occur again, and its only interest now, is as a reminiscence of the past, and as exemplifying a general rule of our law, and one which must be upheld, although in particular cases it may work an injustice to innocent persons.

We devote much space in this number to the judgments delivered by six of the judges of the Court of Error and Appeal in the celebrated Goodhue case. The case will be re-argued before a fuller Bench on the 11th March, and further authorities will probably be cited *pro* and *con*. Our readers having now the judgments already given before them, will be able to form their own opinions as to the merits and law of the case. The result which we should most like to see would be the disallowance of the Act by the Governor-General. This, however, is not thought likely, and if not done, this extraordinary piece of legislation, which has caused so much litigation, will, in all probability (whichever way the Court of Appeal may decide), be