

That is a proper form of enactment, and there would have been no objection to the form of Section 38 if it had declared that a partner fraudulently converting the property of the co-partnership shall be guilty of larceny. As another instance of the proper style of enactment, see with what care the statute makes it a felony, akin to larceny, to steal things attached to or growing on land. (24 and 25 Vic., c. 96, s. 31.) It is submitted that the form of Section 38 is as unusual, as it is inconclusive, and that a new felony has never been created before in such loose and untechnical language. The latter part of our statute, sins in a different direction, from the part borrowed from the subject of Mr. Justice Lush's admiration. It is too easily applied. It makes any *unlawful* conversion of co-partnership property a crime. So if a partner over-draws his account, or takes a three cent stamp for a private letter, ~~he~~ may be—it is difficult to say what may not happen to him—he might perhaps be sent to the retreat where those who go on board a merchant ship, without the leave of the Captain or the person in charge ought to be sent, if the laws of this land were impartially executed, which, luckily, they are not. Mr. Justice Taschereau has seen the difficulty, and he says (vol. 2, p. 456) that the second category "does not seem to mean that all unlawful conversions by a partner of partnership property will be indictable, but only that, when the converting would be a misdemeanour in any other case, the fact that the property is partnership property, will not alter the case." Here are bewildering modes of interpretation, "if it isn't a felony, what is it?" "it does not seem to mean;" but it must be admitted that the mode of the Canadian author is less objectionable than that of the English judge—the former restricts, the latter enlarges the scope of a criminal statute. The true method is to say that a criminal statute *means* what it says. R.

#### THE MARRIAGE BILL.

Mr. Girouard's Bill, to legalize marriage with a deceased wife's sister, was passed through the Commons on March 22 by a large majority. It gave rise to several interesting discussions which are too long for our columns, but which will be found in the *Hansard* Report for this year. An amendment was moved by Mr. Mills, "that the said Bill be re-committed to a Com-

mittee of the Whole, with instructions that they have power so to amend the same, that the law as to marriage with a deceased wife's sister may be uniform throughout Canada." This was negatived on division by 104 to 54. Mr. Amyot then moved in amendment, "that the said Bill be re-committed to a Committee of the Whole, with instructions that they have power to provide that every marriage celebrated by a competent religious authority, be declared valid and legal." This was lost on division. Sir Albert Smith then proposed that the bill be considered that day six months, which was lost by 113 to 36.

Two other amendments were then moved, the first by Mr. Strange, that the said Bill be re-committed to a Committee of the Whole, with instructions that they have power to amend it, by striking out all the words after "deceased wife" and inserting the following instead thereof:—"and between a woman and the brother of her deceased husband are hereby repealed, and such marriages are hereby declared legal and valid;"—which was negatived on a division. Mr. McCuaig then moved, that the said Bill be re-committed to a Committee of the Whole, with instructions that they have power to amend the same, by adding the following proviso:—"Provided that no clergyman, or Minister of the Gospel authorized by law to perform the ceremony of marriage shall be obliged to perform such ceremony, if the woman is the sister of the former wife of the man to whom she desires to be married." This was also negatived on a division.

On the motion for the third reading, Mr. Amyot moved in amendment, that the said Bill be not now read a third time, but that it be *Resolved*, That the Federal Parliament has no jurisdiction to legislate on the qualities required to contract marriage, and that the terms and the intention of the Federal Act give that right exclusively to the Provincial Legislatures;—which was negatived on a division. Mr. Strange then moved in amendment, That the said Bill be not now read a third time, but that it be re-committed to a Committee of the Whole with instructions that they have power to amend the same, by striking out all the words after "deceased wife" and substituting the following:—"and between a woman and the brother of her deceased husband are hereby repealed, and such