

viz : (1) Whether he was right in admitting the letters and documents objected to by the appellant's counsel? (2) Whether he was right in directing the jury as he did?

The special case, which was stated under Sec. 422 of the New South Wales Criminal Law Amendment Act, 1883 (46 Vict. No. 17), came on for argument before the Supreme Court of New South Wales, and upon the 4th July, 1890, the said appeal was dismissed, and the conviction of the appellant sustained, Darley, C. J., and Innes, J., having so decided, while Windeyer, J., dissented.

From this judgment the appellant obtained special leave to appeal.

At the conclusion of the arguments their Lordships' judgment was delivered by

The LORD CHANCELLOR (HALSBURY):—The facts upon which this appeal arises are very simple. The appellant was, on the 13th July, 1872, at Darling Point, in the colony of New South Wales, married to one Mary Manson, and, in her lifetime, on the 8th May, 1889, he was married, at St. Louis, in the State of Missouri, in the United States of America, to Mary Elizabeth Cameron. He was afterward indicted, tried and convicted, in the colony of New South Wales, for the offence of bigamy, under the 54th section of the Criminal Law Amendment Act of 1883 (46 Vict. No. 17). That section, so far as it is material to this case, is in these words: "Whosoever being married, marries another person during the life of the former husband or wife—whosoever such second marriage takes place—shall be liable to penal servitude for seven years." In the first place, it is necessary to construe the word "whosoever;" and in its proper meaning it comprehends all persons all over the world, natives of whatever country. The next word which has to be construed is "wheresoever." There is no limit of person, according to one construction of "whosoever;" and the word "wheresoever" is equally universal in its application. Therefore, if their Lordships construe the statute as it stands, and upon the bare words, any person, married to any other person, who marries a second time anywhere in the habitable globe, is amenable to the criminal jurisdiction of New South Wales,

if he can be caught in that colony. That seems to their Lordships to be an impossible construction of the statute; the colony can have no such jurisdiction, and their Lordships do not desire to attribute to the colonial Legislature an effort to enlarge their jurisdiction to such an extent as would be inconsistent with the powers committed to a colony, and, indeed, inconsistent with the most familiar principles of international law. It therefore becomes necessary to search for limitations, to see what would be the reasonable limitation to apply to words so general; and their Lordships take it that the words "whosoever being married" mean, "whosoever being married, and amenable, at the time of the offence committed, to the jurisdiction of the colony of New South Wales." The word "wheresoever" is more difficult to construe, but when it is remembered that in the colony, as appears from the statutes that have been quoted to their Lordships, there are subordinate jurisdictions, some of them extending over the whole colony, and some of them, with respect to certain classes of offences, confined within local limits of venue, it is intelligible that the 54th section may be intended to make the offence of bigamy justiciable all over the colony, and that no limits of local venue are to be observed in administering the criminal law in that respect. "Wheresoever," therefore, may be read "Wheresoever in this colony the offence is committed." It is to be remembered that the offence is the offence of marrying, the wife of the offender being then alive—going through in fact, the ceremony of marriage with another person while he is a married man. That construction of the statute receives support from the subordinate arrangements which the statute makes for the trial, the form of the indictment, the venue, and so forth. The venue is described as New South Wales and Sect. 309 of the statute provides that "New South Wales shall be a sufficient venue for all places, whether the indictment is in the Supreme Court, or any other court having criminal jurisdiction. Provided that some district, or place, within, or at, or near which, the offence is charged to have been committed, shall be mentioned in the body of the indictment. And every such district