to show that any of the legatees were as a matter of fact next of kin, or made parties to the action, either as legatees or next of kin, or that any of the next of kin who were declared entitled to the fund were in any way parties, by representation or otherwise, to the litigation, and according to the ruling of the Court of Appeal, the case was clearly one in which the executor did not represent in any way the parties beneficially entitled. It is possible the case may not be properly reported, but certainly as it stands it is a singular one.

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## *BIGAMY.*

An important desision on this subject has recently been given in the Supreme Court. By an order-in Council passed in April, 1896, the Government referred to the Supreme Court the validity of sections 275 and 276 of the Criminal Code, making it bigamy for a British subject resident in Canada to go through a form of marriage in any part of the world after leaving Canada with that intent, if he is already lawfully married. Counsel for the Dominion Government appeared, but no one appearing on the other side, the Court refused to consider the question ex parte, and it was allowed to stand over. The prior decisions on this point were as follows:

It was held by the Chancery Divisional Court in Ontario (Boyd, C., and Ferguson and Robertson, JJ.) in the case of *Regina* v. *Brierly*, 14 O.R. 525, that R.S.C. c. 161, s. 4, which is substantially the same as the section of the code under consideration, was quite within the jurisdiction of the Dominion Parliament.

Later, however, the Queen's Bench Divisional Court (Armour, C.J., and Falconbridge, J.) in the case of *Regina* v. *Plowman*, 25 O.R. 656, held exactly the contrary, basing their judgment upon the decision of the Court of Appeal in England in *Macleod* v. *Attorney-General of New South Wales*, (1891) A.C. 455. These two decisions of courts of co-ordinate jurisdiction left the question in considerable doubt.

This reference to the Supreme Court was brought on again