

pealed, both as to past and future marriages, and as regards past marriages as if such laws had never existed." Since this Act was passed such marriages have therefore been perfectly valid in Canada.

Our readers will, however, look in vain for this Act in the Revised Statutes of Canada, 1886, where it should, of course, appear. There is no reference to it in the index. This in itself is not remarkable, as the indices of our statutes are notoriously defective, except those of the Dominion statutes of later years. One would naturally expect to find all public Acts of a general character in this revision, especially one dealing with so important a subject, but it is not there. Strangely enough, however, there is a reference to it in an unexpected and entirely inappropriate place, namely, Schedule B., which claims to refer to "Acts and parts of Acts of a public general nature which affect Canada, and have relation to matters not within the legislative authority of Parliament, or in respect to which the power of legislation is doubtful or has been doubted, and which have in consequence not been consolidated; and also Acts of a public general nature, which for other reasons have not been considered proper Acts to be consolidated." The Act in question manifestly does not come within any of the classes of Acts there enumerated, and it certainly was "a proper Act to be consolidated."

IV. THE POSITION IN GREAT BRITAIN OF PERSONS CONTRACTING SUCH MARRIAGES IN CANADA.

1. Conclusions arrived at.

If such persons were at the time of marriage domiciled in England and returned to England as their matrimonial home, the marriage will in England be held to be null and void under *Brook v. Brook* (supra), and the issue will be held to be illegitimate.

If such parties though domiciled in England at the time of the marriage do not intend to return there but to make Canada their matrimonial home, the marriage must be deemed valid in the courts of the United Kingdom, and the issue will be deemed legitimate for all purposes, except for succeeding to English land