

these legal diversions is reserved for the consideration of the Judge who re-tries the issue.

We have referred to this case because it has an important bearing on the question of marriage, which has been recently much in the public mind.. Here is a case in which it is alleged that a marriage was solemnized in circumstances which make it null and void in law. But this *de facto* marriage is not *ipso facto* null and void; it must be duly annulled by judicial sentence in the lifetime of the parties, and as far as we can see there is no Court in this Province which has any jurisdiction to pronounce a sentence of nullity of marriage. All the litigation which has been going on, so far as its main object and purpose is concerned, appears likely to prove absolutely futile, whatever the result.

RELIGIOUS INSTITUTIONS ACT.

In the revision of "the Religious Institutions Act," passed at the last session of the Ontario Legislature, we find that s. 24 of the R.S.O. c. 307, has been omitted from the revised Act, and we understand that the reason of the omission was, that it was supposed that the provisions of s. 24, were sufficiently covered by the Mortmain Act, 9 Edw. VII. c. 58. A careful examination of the latter Act, however, will, we think, shew that it has not the supposed effect.

Section 24 enabled any religious society or congregation of Christians, to receive a gift, devise or bequest of any lands or tenements or interest therein not exceeding the annual value of \$1,000. It provided that such gift should be made at least six months prior to the death of the person making the same, and that the land should be sold within seven years after its acquisition.

This section imposed no limitation as to the purpose or object for which the gift might be made and did not limit the gift in any way to purposes technically called "charitable."

The Mortmain Act on the other hand deals with gifts for