being married, marries another person during the life of the former husband or wife, wheresoever such marriage takes place, shall be liable to penal servitude for seven years."

Held, *That the word "whosoever" must be construed "whosoever, being married, and amenable at the time of the offence committed to the jurisdiction of the colony of New South Wales;" and the word "wheresoever" must be construed "wheresoever in the colony the offence is committed."*

The appellant married a wife in New South Wales in 1872. *In* 1889, *during her lifetime, he went through the form of marriage with another woman in the United States of America.*

Held, *That the courts of New South Wales had no jurisdiction to try him for bigamy in respect of such second marriage.*

This was an appeal from an order of the Supreme Court of New South Wales, dated the 4th July, 1890, dismissing an appeal by way of special case from the conviction of the appellant by the Court of Quarter Sessions at Sidney, in that colony, for bigamy, such appeal being upon points reserved at his trial by the chairman of that court.

The appellant was tried before the Court of Quarter Sessions on the 29th of May, 1890, and found guilty of bigamy, and upon the 18th June, 1890, sentenced to three years' imprisonment with hard labor, and the question to be decided in this appeal was whether the conviction was to be quashed by reason of the reception in evidence by the learned chairman of the court of certain letters and documents, the admissibility of which was objected to at the trial, or by reason of his directing the jury to the effect that if they were satisfied that the appellant had gone through the form and ceremony of marriage with Miss Cameron (the alleged second wife) at the time alleged, the appellant could be found guilty of the offence of bigamy although no formal evidence was given as to the marriage law of the State of Missouri, in the United States of America, the alleged bigamous marriage to Miss Cameron having occurred at St. Louis, in that State. These two contentions or points were at the request of the appellant's counsel reserved by the learned chairman for the opinion of the Supreme Court of the colony.

The facts proved at the trial were: Appellant was a British subject, and a minister of the Presbyterian Church in New South Wales. He married Mary Manson, his first wife, on the 21st July, 1872, at Winslow, Darling Point, in the said colony. After residing in the said colony the appellant and his wife left and went to Scotland, thence to Canada, thence back to Scotland, thence to New Zealand, and from there returned to New South Wales in 1887, and again left and went to the United States, and thence to London, where, on the 25th June, 1888, his wife left him and returned to New South Wales, where she resided until the trial. Upon the 8th May, 1889, at St. Louis, Missouri, in the United States of America, the appellant went through the form and ceremony of marriage with Mary Cameron, his wife, Mary McLeod being then alive. The appellant and Mary Cameron, after such ceremony, lived together as husband and wife. Before the appellant married Mary Cameron he obtained from a district court of the United States, Territory of New Mexico, a decree of divorce from his wife Mary McLeod, dated the 25th March, 1889, which was put in evidence at his trial, but such decree was obtained without notice of proceedings being given to his said wife.

At the trial the appellant's counsel objected to the reception in evidence of the appellant's letters, on the ground that they were immaterial, written after the bigamous marriage, and could not be used as admissions of the appellant, but the learned chairman of the court admitted them as tending to prove the bigamous marriage.

The marriage certificate and the copy of the marriage license, with the solemnization of the marriage certified by the officiating minister at the foot thereof, were also objected to by the appellant's counsel, and admitted in evidence at the trial by the learned chairman.

At the request of the appellant's counsel at the trial, the only plea being that of not guilty, the learned chairman reserved two points, which in the special case were set out,