

was openly living in prostitution. The damages awarded do not *ipso facto* go to the husband, but the Court determines their application, usually giving part to the husband, to the children, and even in some cases to the guilty wife as a measure of prevention to her prostitution.

NOTE.—Since writing the foregoing article our attention has been drawn by Harvey, C.J., of Alberta, to the omission of two recent cases, one in Saskatchewan and one in Alberta, dealing with the subject of jurisdiction in relation to domicile. The cases are *Kalenczuk v. Kalenczuk* (1920), 52 D.L.R. 406; 13 S.L.R. 262; and *McCormick v. McCormick* (1920), 55 D.L.R. 386, 15 Alta. L.R. 490.

(Concluded).

EVIDENCE BY DECLARATION.

We are indebted to the courtesy of Hon. Mr. Justice Riddell for a copy of a paper on the above subject which will be found of special use to coroners, magistrates, and medical men in the many cases which require "first aid" from a legal stand point where crime is suspected. He thus states the origin of the Paper:—

"A few weeks ago, by reason of a misunderstanding between the Crown Officers of Toronto and the authorities of the Toronto General Hospital, I was requested by the Attorney General to preside over an informal but representative Committee to consider the proper practice in cases of apparent crime. *Inter alia* it was agreed that it would be of advantage that a simple and practical statement as to "Dying Declarations," "Ante Mortem Statements" or "Evidentiary Declarations" should be prepared for the guidance of medical men generally and those in hospitals particularly. I have prepared the following after conference with experienced Crown officers and medical men: I am, however, wholly responsible for the document."

The learned Judge then deals with the subject as follows:—

The general rule of our law is that only what is said under the sanction of an oath (or of its legal equivalent) can be received as evidence. But for about two hundred years, the English law, which our law follows, has made an exception in what have been called "Dying Declarations," or "Ante Mortem Statements"—sometimes "Evidentiary Declarations."

When a judicial investigation is being made into the death of any person by homicide, statements made by that person respecting the circumstances resulting in his death, are admitted in evidence, if such statements are made by him when under the influence of a conviction that his death is impending.