to increase the presumption against it in the manner indicated by Sir John Nichol, and the Judicial Committee agreed with the colonial Court of Appeal in holding that the appellant had not satisfied the *onus* of showing that the will in question had been validly made.

CRIMINAL LAW—BIGAMY—OFFENCE COMMITTED WITHOUT A COLONY—POWERS OF COLONIAL LEGISLATURE.

Macleod v. *Attorney-General of N.S. Wales* (1891), A.C. 455, is a criminal case which appears inferentially to cast some doubt on the constitutionality of the Canadian criminal statute relating to bigamy (R.S.C., c. 161, s. 4, as amended by 53 Vict., c. 37, s. 10 (D.)). The appellant had been convicted for bigamy under a colonial statute, which was in the following terms: "*Whosoever* being married marries another person during the life of the former husband or wife, *wheresoever* such second marriage takes place shall be liable," etc. The second marriage of the appellant had taken place in the United States (it does not appear from the report whether or not the appellant was a British subject), and the Judicial Committee reversed the judgment of the colonial court, which had affirmed the conviction on the ground that to assume that the word "whosoever" was intended to apply to all persons out of the limits of the colony would be "to attribute to the colonial legislature an effort to enlarge their jurisdiction to such an extent as would be inconsistent with the most familiar principles of international law." They therefore held that the word "whosoever" must be intended to mean "whosoever being married and who is amenable, *at the time of the offence committed*, to the jurisdiction of the colony of N.S. Wales"; and the word "wheresoever" they held might be and should be read to mean, "wheresoever in the colony the offence is committed"; and their lordships say that "if the wider construction had been applied to the statute, and it was supposed that it was intended thereby to comprehend cases so wide as those insisted on at the bar, it would have been beyond the jurisdiction of the colony to enact such a law." Their jurisdiction is confined within their own territories, and the maxim, "*extra territorium jus dicenti impune non paretur*," would be applicable to such a case. The loophole which the Judicial Committee found in the N.S. Wales statute for the limited construction they gave to it does not exist as regards the Canadian statute, which reads as follows: "Every one who, being married, marries any other person during the life of the former husband or wife, whether the second marriage takes place in Canada or elsewhere," etc. By sub-section 2, nothing in this section shall extend to "any second marriage contracted elsewhere than in Canada by any other than a subject of Her Majesty residing in Canada and leaving the same with intent to commit the offence." This sub-section, it is true, restricts the operation of the act in the case of a foreign second marriage to British subjects residing within Canada and going abroad to commit the offence; but if the *dictum* of the Privy Council which we have quoted is correct, can such a person when in a foreign country be said to be "amenable at the time of the offence committed to the jurisdiction of the colony," as to whom alone the committee appear to think that any British