

*Held*, 1, in answer to case submitted, that the decree of divorce obtained in 1906, was not a valid and binding divorce or of any effect in Ontario, inasmuch as the defendant's marriage had been solemnized in Canada, and the defendant had been at the time and always afterwards a British subject, resident and domiciled in Canada, and had never appeared or taken any part in the proceedings in the Michigan Court.

2. The fact that the defendant knew that the decree of divorce had been granted before he went through the form of a second marriage, and that he could legally marry again was no defence to the indictment, on the ground that the element of intent or mens rea was thereby removed.

3. Paragraph (a) of sub-s. 1, of the Criminal Code 1892, is *intra vires* of the Parliament of Canada when read with the limitation imposed by sub-s. 4, that no person shall be liable to be convicted of bigamy in respect of having gone through a form of marriage in a place not in Canada, unless such person being a British subject resident in Canada, leaves Canada with intent to go through such form of marriage.

*Cartwright*, K.C., for the Crown. *Proudfoot*, K.C., for the defendant.

Riddell, J.]

STURGIS v. VAN EVERY.

[April 8.

*Accountant's office—Issue of cheque—Refusal to accept—Delay in second application—Special application—Costs of—Interest on amount.*

The accountant's office exists and the High Court receives money primarily for the protection of infants and others not competent to deal with their own property, and those who cannot be found: the machinery of the Court not being intended as a convenience for those who are *sui juris* and know their rights, it is the duty of those entitled to receive money out of the Court to apply for it at the earliest moment reasonably possible.

*Held*, that a party so entitled, who had refused to accept a cheque, on the ground that the solicitor who applied for and obtained it had no authority so to do, and delayed seventeen years in applying for it, must pay the costs of an application to the Court on the ground of the outstanding cheque, (which was not accounted for), and should only get interest at the rate of 3%, while the money was in Court.

*Middleton*, for applicant. *Harcourt*, official guardian, for the accountant.