

an amount sufficient to pay the bank's claim, J. having supplied him with funds for the purpose and the company gave its own cheque to the bank with a direction to assign the book debts to A. which was done.

*Held*, that the evidence justified the finding at the trial that the chattel mortgage was given for the benefit of J. who was aware at the time it was given that the company was insolvent, and that it was void under the provisions of the Assignments and Preferences Act and should be set aside.

After the assignment of the book debts to A. the company was allowed to go on collecting them.

*Held*, that such assignment was valid, but that the assignee could retain the value of what had been collected out of the proceeds of the property covered by the chattel mortgage.

Judgment of the Court of Appeal, 24 Ont. L.R. 503, reversed and that of the Divisional Court, 22 Ont. L.R. 577, restored.

*Secord*, K.C., for appellant. *Gibbons*, K.C., and *Sims*, for respondent.

Full Court.]

IN RE MARRIAGE ACT.

[June 27.]

*Constitutional law—Marriage and divorce—Solemnization of marriage—Jurisdiction of Parliament—Jurisdiction of legislatures—Federal Validating Act—Religious belief—Civil rights—B.N.A. Act, 1867, ss. 91 and 92—Arts. 127 et seq. C.C.*

This was a reference by the Governor-General-in-Council to the Supreme Court.

*Held*, 1. The Parliament of Canada has no authority to enact a bill in the following form:—"1. The Marriage Act, c. 105 of the Revised Statutes, 1906, is amended by adding thereto the following section: '3. Every ceremony or form of marriage heretofore or hereafter performed by any person authorized to perform any ceremony of marriage by the laws of the place where it is performed, and duly performed according to such laws, shall everywhere within Canada be deemed to be a valid marriage, notwithstanding any difference in the religious faith of the persons so married and without regard to the religion of the person performing the ceremony. (2) The rights and duties as married people of the respective persons married as aforesaid, and of the children of such marriage, shall be absolute and complete, and no law or canonical decree or custom of or in any province of Canada shall have any force or effect to in-