

taken place in a remote corner of Europe or on the other side of the globe? This is a question, however, more for the Legislature than the Courts, and notwithstanding the minuteness of detail, the solemnity and the perfect good faith of the first marriage in this case, we should have held the proof insufficient but for the admission of the defendant. In aid of this evidence, the train of circumstances proved by the principal witness, (for the wife herself, though present at the trial, could not be a witness), and the subsequent cohabitation and birth of children appear to us to be all-powerful. An admission, not corroborated as this is, has been held in some of the cases to be enough as in *Rex v. Upton*, 1 Russell on Crimes, 218, where it was proved that the prisoner, being charged with bigamy, made a statement before a justice, in which he expressly declared that he had married his first wife, who was then present, and Mr. J. Erskine left the case to the jury, observing that this was not an incautious statement, made without due attention, but that the prisoner's mind was directed to the very point by the charge made against him; on which the editor observes, in a note, that it is quite clear that this is the proper course, as everything which a prisoner says against himself is evidence to be left to the consideration of a jury.

So Mr. *Starkie* says in his *Law of Evidence*, 2894, "I have known a prisoner to be convicted of bigamy upon proof of his deliberate admission of both marriages, in the presence of his first wife, before a magistrate."

*Truman's case*, 1 East's P. C. 470, proceeded on the same principle, though there the admission was backed by the copy of a proceeding in a Scotch Court against the prisoner and the first wife.

In *Regina v. Norton*, 2 M. & Rob. 506, the Court said, "Declarations hastily or lightly made were entitled to very little weight; but what the prisoner said deliberately and when it was obviously his interest to deny his marriage, if he did not know it to be a valid one, was undoubtedly evidence entitled to the very serious consideration of a jury."

Now, what evidence have we here? The prisoner had contracted a second marriage at Parrsborough under a different christian name, Charles H. in place of Henry P. Allan. The