

and general in its terms, and even if much more explicit, it would not be sufficient. 2 *O. & K.* 782, 227; 1 *O. & K.* 164 n; 1 *East's Pleas of the Crown*, 470. The first marriage was no marriage by the common law of England. *Reg. v. Millis*, 7 Jurist, 911, 983; *Beamish v. Beamish*, 5 Law Times Reports, 98. The second marriage must be equally valid with the first. *Roscoe on Criminal Evidence*, 295. Either the license or banns are indispensable. Either the license should have been produced, or a certificate from the Financial Secretary's Office, which, by the Act of 1866, takes its place as *prima facie* evidence. Rev. Statutes. chap. 120, sec. 44; Provincial Act of 1866, chap. 28, sec. 43.

*Blanchard, Q. C.*, for the Crown, contra. The admission of defendant coupled with proof of the marriage and of cohabitation is sufficient. In the case cited from *Car. & Kirwan*, there was no corroboration of the admission. The evidence was for the jury. 1 *Russell on Crimes* 216, 217, 218, note. An admission only has been held to be sufficient. It was not necessary to prove the license to establish the second marriage. *Rus. & Ry.*, 108. A settled minister here acting under a license is on the same footing with an Episcopal minister. (Cites 3 *British Crown Cases*, 267.) The license here is recorded; the minister himself is the best evidence. The defendant admitted the second marriage in effect. (Cites Prov. Act of 1865, chap. 32.) The identity of the defendant and actual marriage having been proved, the conviction will be sustained. 1 *Doug.* 171.

*Oldright*, in reply. The position that there must be strict proof of the foreign law has not been successfully met. In Massachusetts they have legislation that we have not here. Massachusetts Laws, 1810 and 1841. (Cites 37 *Eng. Law & Eq. Rep.* 609.)

*Our. ad. vult.*

YOUNG C. J. now (Jan. 2, 1867) delivered the judgment of the Court.

After stating the case, and the evidence with regard to the first marriage, his lordship said:—