
Province of Alberta.

SUPREME COURT.

Full Court.] **THE KING v. BLEILER.** [April 13.]

Evidence—Authority to perform marriage ceremony—Foreign law—Bona fides—Bigamy.

Held, 1. In a prosecution for bigamy the clergyman who performed the marriage ceremony is competent to testify that he was an ordained minister and therefore authorized to perform such ceremony.

2. In a prosecution for bigamy the clergyman who, in a foreign country performed the marriage ceremony is competent to give expert evidence regarding the statute from which he derived his authority. See also Phipson on Evidence, 4th ed., p. 356, Wharton's Cr. Evid., 10th ed., p. 114.

3. An honest belief on the part of the defendant that he was divorced constitutes no defence to the charge of bigamy either at common law or under secs. 16 and 307 of the Criminal Code (1906). *R. v. Brinkley*, 14 O.L.R. 434, followed; *R. v. Sellars*, 9 Can. Cr. Cas. 153, disapproved.

W. J. Loggie, for the accused. *L. F. Clarry*, D.A.-G., for the Crown.

Full Court.] **BALKE v. CITY OF EDMONTON.** [April 13.]

Negligence—Collision with street car—Duty of drivers on streets—Contributory negligence.

Held, one driving upon city streets knowing that there are crossings where street cars are passing, but owing to the darkness is ignorant as to where the crossings exactly are, is bound to keep a good lookout and to be on guard as to conveyances coming his way, and his failure so to do and his blindly trusting to those driving ahead of him constitutes contributory negligence precluding him from recovering for injuries caused by collision with a street car even though those in charge of the car were negligent in its management. See, to same effect,