

Re Dost, 6 P.D. 6; a Chilian notary as to the testamentary law of Chili: Re Whitelegg, [1899] P. 267; as to the marriage law of Michigan, a minister of 25 years' standing in that State, who had studied these laws and had communications with the Secretary of State regarding them, and had celebrated many marriages: Regina v. Brierly, 14 O.R. 535. The following have been held not to be competent; a jurisconsult who studied the foreign law at a university in another country and who had not practical knowledge of it: Bristow v. Segneville, 5 Ex. 275; Re Turner, W.N. 1906, p. 27; Re Bonelli, 1 P.D. 69; as to Canadian marriage law an English barrister who frequently argued Canadian appeals in the Privy Council: Cartwright v. Cartwright, 26 W.R. 684; as to Scotch marriage law, a priest of that country who had celebrated many marriages there: Regina v. Savage, *supra*.

While the testimony of the witnesses from Macedonia is insufficient to prove the foreign marriage law, it is not without weight. It proved the custom of the country, and that the ceremony was performed *in facie ecclesiae*, and also co-habitation and the birth of the issue of the marriage, and that the wife and children are still living with the mother of the prisoner—circumstances which go to remove the objection to the reception of the admissions in some of the cases referred to.

The prisoner's admission as to his marriage in Macedonia was given under such circumstances as fully justified the trial Judge in giving weight to it. He had just been arrested and knew the nature of the charge against him. He was duly cautioned by the constable, and his statement was clear, deliberate and unambiguous, and quite in accord with the testimony of the Macedonian witnesses, even to the minor details. Although he was ably and strenuously defended yet his counsel did not ask in cross-examination a single question regarding the admission made by him.

On the whole, I am of opinion that there was ample evidence, if the Judge believed it as he did, to support the conviction. It might have been well if the Macedonian marriage law had been proved. I think it probable that there could be found a Greek priest from Macedonia in the city who could give similar evidence to that accepted by the Divisional Court in the Brierly case.

In my opinion the question should be answered in the affirmative.