penalties imposed by the law on the breach of matrimonial relations are not intended as an expression of detestation of it, but as necessary severity in order to maintain the relation. This relation loses a large part of its permanent nature if it is to depend on questions of belief in good faith and on reasonable grounds. No doubt the decision does not affect the contract of marriage in theory, but the law of bigamy is in the great majority of marriages the only sanction of the bond. When section 57 of the Criminal Law Consolidation Act, 1861, legislates for persons being married who marry any other person during the life of the former husband or wife, is not its object to protect a domestic relation? If so, when it appears in a criminal statute, it is as a relation which requires the protection of the criminal law. When a breach of the relation is made a felony, it is to introduce the penalties of felony, and not to import the secondary meaning involved in the word 'feloniously.' The provision of the statute of James the First, on which the Consolidation Act was based, that persons so offending shall suffer death, was a recognition of the ecclesiastical severity attached to the offence by the previous law; but it must not frighten the interpreter into modifying the meaning of the words, especially when they are followed by the proviso in favour of persons marrying a second time whose husband or wife shall have been continually absent for seven years, and shall not have been known by such person to be living within that time. Was not, in fact, the Act a matrimonial, and not a criminal Act? It left untouched the general law that a second marriage during the lifetime of a former husband or wife was void under all circumstances. It imposed criminal penalties on all second marriages within seven years and afterwards if the accused knew that the former husband or wife was alive.

The strength of the argument from the proviso struck the Lord Chief Justice at the end of the argument; but on reading the arguments in the judgment of Mr. Justice Cave on this head, he found that he could not satisfactorily answer them. These arguments are thus of much interest. The learned judge admits that, if the proviso covers less ground or only the same ground as the exception, it follows that the Legislature has expressed an intention that the exception shall not operate until after seven years from the disappearance of the first husband, but he argues that if the proviso covers more ground than the general exception, surely it is no argument to say that the Legislature must have intended that the more limited defence should not operate within the seven years, because it has provided that a less limited defence shall only come into operation at the expiration of those years. He asks, What must the accused prove to bring herself within the general exception? and replies that she must prove facts from which the jury may reasonably infer that she honestly, and on reasonable grounds, believed her first husband to be dead before she married again. Secondly, he asks, What must she prove to bring herself within the proviso? and replies, Simply that her husband has been continually absent for seven years; and, if she can do that, it will be no answer to prove that she had no reasonable grounds for believing him to be dead, or that she did not honestly believe it. Unless the prosecution can prove that she knew her husband to be living within the seven years, she must be acquitted. The honesty or reasonableness of her belief is no longer in issue. Even if it could be proved that she believed him to be alive all the time, as distinct from knowing him to be so, the prosecution must fail. The proviso, therefore, is far wider than the general exception, and the intention of the Legislature that a wider and more easily established defence should be open after the seven years from the disappearance of the husband is not necessarily inconsistent with the intention that a different defence—less extensive and more difficult of proof—should be open within the seven years. All will agree that this distinction shows that the proviso is not necessarily inconsistent with the view of the majority, but belief and knowledge are very nearly related, and when the Legislature was particular in its terms as to knowledge, why should it emphatically omit belief? More difficult was it to reconcile the decision in *Regina* v. *Prince*, 44 Law J. Rep. M. C. 122, with the view of the majority of the Court. This was