stances of the case without strict proof of the man's former marriage. The King v. Sellars (1905), 9 Can. Cr. Cas. 153 (N.S.).

An absence of *mens rea* is not to be inferred from the knowledge of the husband that a divorce had been decreed by the foreign Court on his wife's application, and from his having first obtained legal advice that he could legally marry again. R. v. Brinkley (1907), 12 Can. Cr. Cas. 454, 13 O.L.R. 434. (Compare R. v. Thomson (1905), 70 J.P. 6.)

Lengthened Absence.—In R. v. Smith (1857), 14 U.C.Q.B. 565, the first was living at the time of the second ceremony, and it was held that the accused must shew enquiries made, and *bonâ fide* and reasonable belief in the wife's death, to excuse his conduct. This decision would not now be followed in the light of R. v. Curgerwen (1865), L.R. 1 C.C.R. 1, and of the particular form of words used in sec. 407(*b*).

Evidence of a confession by a prisoner of his first marriage is not evidence upon which he can be convicted (following R. v. Savage, 13 Cox 178; R. v. Ray, 20 Q.R. 212. But in R. v. Creamer, 10 L.C.R. 404, the Court of the Queen's Bench (Quebec), decided to the opposite effect. See also R. v. McQuiggan, 2 L.C.R. 346.

Validity.—On an indictment for bigamy, the witness called to prove the first marriage, swore that it was solemnized by a justice of the peace in the State of New York, who had power to marry; but this witness was not a lawyer or an inhabitant of the United States, and did not shew how the authority of the justice was derived. This evidence was held to be insufficient. R. v. Smith (1857), 14 U.C.Q.B. 565; R. v. Ray (1890), 20 O.R. 212.

Upon trials for bigamy proof is required of a first marriage in fact, such as the Court can judicially hold to be valid; mere evidence of cohabitation, and reputation of being married, will not do. R. v. Smith (1857), 14 U.C.Q.B. 656, per Robinson, C.J.

In another case to prove the second marriage, which took place in Michigan, the evidence of the officiating minister, a clergyman of the Methodist Church for twenty-five years, during which time he had solemnized many marriages, that this marriage was solemnized according to the law of the State of Michigan, was held admissible and sufficient. R. v. Brierly (1887), 14 O.R. 535.

In Fact.—On a trial for bigamy, in proof of the prior marriage, a deed was produced executed by the prisoner, containing a recital of the prisoner having a wife and child in England, and conveying real property to two trustees to receive and pay over the rents to his wife, but with a power of revocation to the prisoner. B., one of the trustees, proved the execution of the deed, and that at the time of its execution the prisoner informed him that he had a wife and child living in England, but that he had never paid over any of the rents to her, nor had he ever written to or heard from such alleged wife. It was