

during the life of the former husband or wife," which is still the law in England. Even under this latter provision it was held that the first marriage had to be proved more strictly than the second. As will be seen from the above citation from the Code, it is now sufficient to go through a form of marriage in the second instance to constitute the offence. It is still necessary, however, to prove a real legal marriage in the first instance.

In the stated case the learned Judge summarizes the evidence upon which he convicted the accused as follows: "The proof of the first marriage, which took place in Macedonia about eight years ago, consisted (in addition to the confession of the prisoner that he had been married before) of the evidence of several witnesses who said that they were present when the ceremony was performed, that the ceremony took place in the village Greek church and was performed by the priest of that church in the presence of the villagers gathered there to witness it, and that such ceremony was performed in the same manner and by the same officiating priest as and by whom weddings usually were performed in that village, and (in so far as the witnesses were qualified to speak) according to the rites, laws and customs of that country." "The evidence also showed that following this marriage ceremony the prisoner and the woman with whom he went through the marriage ceremony lived together as man and wife and had two children born to them. The accused left this wife and the two children in Macedonia when he came to Canada."

First, as to the confession, and what weight, if any, should be given to it; strictly speaking, it is not a confession as the accused did not in terms admit that he had been guilty of any crime. It was in form simply an admission that he had been married in Macedonia to Sophia Stein. Practically the distinction is not material in this case as it was made after he was arrested on the charge of bigamy.

It is pointed out by the authorities that evidence of such oral admissions or confessions is to be received with caution. Parties are often liable to be misunderstood, and the change of a few words often makes a great difference. Again, parties cohabiting may say that they had been married in order to escape the moral odium attaching to their conduct, and others often make admissions without due consideration, or possibly for some ulterior motive. Also where, as here, the admission is a mixed question of law and fact, as a legal marriage must be proved, it is sometimes said that the same weight is not to be given to it as to one of pure fact. However, it is now generally