

as tenant by the courtesy, and also all his claim or title to any estate, real, personal or mixed, which he may have in right of his first wife; and if the said offender be a woman, she shall, on conviction, forfeit her claim to dower of the estate of her first husband, and also her distributive share of his personal estate, which she would be entitled to if he had died intestate, and she had survived him.

In an indictment under this section, a certified copy of a decree of a court of this state by which the prosecutrix was divorced from the defendant after his alleged second marriage, is competent evidence to prove his marriage to the prosecutrix, the identity of the parties being established. Where the prosecutrix testified that she and the defendant were married in Camden, N. J., a certificate from the clerk of the Camden court to the effect that no entry appeared of the issue of a license to the defendant and the prosecutrix, the New Jersey law providing that no marriage shall take place between non-residents without a license, is not evidence, and a statement by the court in this connection, that whether a license was issued or not was immaterial, the only effect of its not having been issued being to render the minister liable to punishment, is unobjectionable. A certificate from a clerk setting forth that he is the keeper of marriage statistics, and that a return is required to be made to his office by persons performing marriages: that he had examined the records and could find no return of a marriage between the prosecutrix and the defendant and certain other facts, is not evidence. Bigamy is a felony; after pleading in bar, it is too late to plead in abatement, save by permission of court. Qualification of grand jurors. *Pontier v. State*, 107 Md. 386.

An indictment under this section need not allege either that the traverser knew at the time of the second marriage that his former wife was living or beyond the seas, or that she had not been absent for seven years; where, however, the traverser proves that he and his wife had lived apart for seven years preceding the second marriage, the prosecution must show that during the time he knew of her existence. Bigamy is a felony. When an indictment must negative exceptions in the statute creating the offense. *Barber v. State*, 50 Md. 168.

As to "Marriages," see article 62.

### Blasphemy.

1904, art. 27, sec. 20. 1888, art. 27, sec. 18. 1860, art. 30, sec. 12. 1723, ch. 16, sec. 1. 1819, ch. 49.

21. If any person, by writing or speaking, shall blaspheme or curse God, or shall write or utter any profane words of and concerning our Saviour Jesus Christ, or of and concerning the Trinity, or any of the persons thereof, he shall on conviction be fined not more than one hundred dollars, or imprisoned not more than six months, or both fined and imprisoned as aforesaid, at the discretion of the court.

This and the following section referred to in construing section 437—see notes thereto. *State v. Popp*, 45 Md. 438.

*Ibid.* sec. 21. 1888, art. 27, sec. 19. 1860, art. 30, sec. 13. 1723, ch. 16, sec. 2.

22. Every person who shall profanely swear or curse in the presence and hearing of any justice of the peace, sheriff, coroner, county clerk or constable, or be convicted thereof before any justice of the peace, by the oath of one lawful witness, or confession of the party, shall for the first oath or curse be fined twenty-five cents, and for every oath or curse after the first fifty cents.