

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 prosecutrix was divorced from defendant after his alleged second marriage is competent evidence to prove his marriage to the prosecutrix, the identity of the parties being established. Where prosecutrix testified that she and defendant were married in Camden, N. J., a certificate from clerk of Camden court to 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 for punishment, is unobjectionable. A certificate from a clerk setting forth that he is 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 prosecutrix and 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. *Pointer v. State*, 107 Md. 386.

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

As to "Marriages," see art. 62.

### **Blasphemy.**

An. Code, 1924, sec. 24. 1912, sec. 21. 1904, sec. 20. 1888, sec. 18. 1723, ch. 16, sec. 1. 1819, ch. 49.

20. 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 sec. 575—see notes thereto. *State v. Popp*, 45 Md. 438.

An. Code, 1924, sec. 25. 1912, sec. 22. 1904, sec. 21. 1888, sec. 19. 1723, ch. 16, sec. 2.

21. 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.

### **Boundaries.**

An. Code, 1924, sec. 26. 1912, sec. 23. 1904, sec. 22. 1888, sec. 20. 1722, ch. 8, sec. 2.

22. No person under any pretense whatsoever shall cut down or otherwise destroy any boundary or bounded trees, either of his own lands or of the lands of any other person whatsoever, even although such boundary or bounded trees should stand within the person's own land so cutting down and destroying the same, under the penalty of one hundred dollars for every such offense.