

It is presumed that the building in which a marriage was solemnised was duly registered or licensed for marriage and that the registrar was present (a).

Sect. 40. 'Every superintendent registrar who shall knowingly and wilfully issue any certificate for marriage after the expiration of three calendar months after the notice shall have been entered by him as aforesaid, or any certificate for marriage by licence before the expiration of seven days after the entry of the notice, or any certificate for marriage without licence before the expiration of twenty-one days after the entry of the notice (b), or any certificate, the issue of which shall have been forbidden as aforesaid by any person authorised to forbid the issue of the registrar's certificate, or who shall knowingly and wilfully register any marriage herein declared to be null and void, and every registrar who shall knowingly and wilfully issue any licence for marriage after the expiration of three calendar months after the notice shall have been entered by the registrar as aforesaid, or who shall knowingly and wilfully solemnize in his office any marriage herein declared to be null and void, shall be guilty of felony.'

Sect. 41. 'Every prosecution under this Act shall be commenced within the space of three years after the offence committed.'

By the Births and Deaths Registration Act, 1837 (7 Will. IV. & 1 Vict. c. 22), s. 3, 'Every superintendent registrar who shall knowingly and wilfully issue any licence for marriage after the expiration of three calendar months after the notice shall have been entered by the superintendent registrar, as provided by the Marriage Act, 1836 (c), or who shall knowingly and wilfully solemnize, or permit to be solemnized in his office any marriage in the last recited Act declared to be null and void (d), shall be guilty of felony' (e).

By the Births and Deaths Registration Act, 1836 (5 & 6 Will. IV. c. 86), s. 42, 'Every person who shall refuse or without reasonable cause omit to register any marriage solemnized by him which he ought to register . . . and every person having the custody of the register book or certified copy thereof or of any part thereof who shall carelessly lose or injure the same or carelessly allow the same to be injured whilst in his keeping shall forfeit a sum not exceeding £50 for every such offence.'

By the Forgery Act, 1861 (24 & 25 Vict. c. 98), s. 36 (f), it is made felony punishable by penal servitude for life (g) :—

- (a) 'unlawfully' to 'destroy, deface, or injure or cause or permit to be destroyed, defaced, or injured any register of . . . marriages . . . which now is or hereafter shall be by law authorised or required to be kept in England or Ireland or any part of any such

(a) *Sichel v. Lambert* [1864], 33 L. J. C. P. 137, a marriage by the rites of the Church of Rome. R. v. *Cresswell* [1876], 1 Q.B.D. 446; 45 L. J. M. C. 77, a marriage by the rites of the Church of England.

(b) See 19 & 20 Vict. c. 119, s. 9, &c.

(c) *Cf.* 6 & 7 Will. IV. c. 85, s. 40, *supra*.

(d) 6 & 7 Will. IV. c. 85, s. 42, *ante*, p. 987. For instance of a prosecution see *Cent*.

*Crim. Ct. Sess. Pap.*, 29 Nov., 1854.

(e) Punishable under 7 & 8 Geo. IV. c. 28, s. 8, *ante*, p. 246.

(f) The section also deals with registers of births, baptisms, deaths, and burials.

(g) Or not less than three years, or imprisonment with or without hard labour for not more than two years (54 & 55 Vict. c. 69, s. 1, *ante*, pp. 211, 212).