

opinion exist among ourselves, and the present case can be determined on a narrower ground. Now, it is admitted that with the production of the license, or with a certificate from the Chairman of the Board of Statistics, the evidence of this second marriage would be *omni exceptione major*.

Section 44 of the Revised Statutes, chapter 120, now represented by section 43 of the Acts of 1866, chapter 28, declares that an extract from the records of the Board, duly certified by the Chairman, shall be evidence of the entry certified, and *primâ facie* evidence of the fact asserted or claimed in the entry. But while the Act confers these facilities and makes the certificate *primâ facie* evidence, it does not make it the sole nor even the best evidence of the facts to be proved. Let us see, then, what we have here. The prisoner brings to the clergyman a license, which he could only have obtained, in due course, under section 7 of the above chapter 28, from the deputy registrar after giving bond with sufficient sureties and payment of the fee of two dollars and fifty cents. This license, if good on the face of it, must have contained the name of the minister and the names, abodes, and additions of the man and woman to be married. It is received and acted on by the clergyman as genuine. All the forms, he says, required by the law were observed. He returns the license to the deputy registrar within ten days after the celebration—being the same paper in official form, purporting to be subscribed by the registrar with his own name and with the exact date of issuing—the blank certificate endorsed thereon having now been filled up by the minister, stating the fact of the celebration, the names, abodes, and additions of the couple married, the time and place of such marriage and the names of at least two persons present thereat besides himself. The minister thereupon takes a receipt from the deputy registrar, and receives the fee to which he is entitled for such return of marriage so made, provided it has been made conformably to law. All this has been done, and if the proof of its having been so done is not enough without a further certificate, it is plain, that in the distant counties, or where, as in this case, misapprehension or accident, it may be, renders it impossible to obtain this further proof, the crime of bigamy, so fatal to the happiness of the woman often