

lawfully inherited prior to the coming into operation of the last-mentioned Act, or affect any *lis pendens*.

45. Every marriage between any woman and her deceased husband's brother which has heretofore been or which shall hereafter be contracted and solemnised before any minister of religion or Registrar duly authorised to solemnise marriages shall be deemed to have been and to be valid and binding; and the issue born or hereafter to be born of such marriages shall be deemed to have been and to be born in lawful wedlock: Provided that this Act shall not render valid any such marriage in any case where either of the parties to such marriage shall thereafter before the passing of "The Deceased Husband's Brother Marriage Act, 1900," have lawfully intermarried with any other person; nor shall the passing of this Act deprive, or be held to have deprived, any person of any property which such person may have lawfully inherited prior to the coming into operation of the last-mentioned Act, or affect any *lis pendens*.

Marriage with deceased husband's brother permissible and lawful.

1900, No. 72, sec. 2

46. It shall not be necessary, in support of any marriage solemnised under this Act, to give any proof of the actual dwelling of either of the persons so married previous to the marriage within the district wherein such marriage was solemnised for the time required, or of the consent of any person whose consent thereunto is required by law.

Marriages not to be invalid for certain reasons.

1880, No. 21, sec. 40

Nor shall any evidence be given to prove the contrary in any suit touching the validity of such marriage, neither shall any marriage be deemed to have been unduly solemnised by reason of any mere error or defect in the notice, declaration, or certificate required before solemnisation, or in the registration of the marriage when solemnised, when the identity of the parties is not questioned, nor on account of any other infringement of the provisions of this Act, except as provided in the section next following.

Inadmissible evidence.

Nothing herein contained shall exempt any Officiating Minister or Registrar who shall do anything contrary to the provisions of this Act from any penalty to which he would have been liable for such offence but for this section.

No release from penalties.

47. If any persons shall knowingly and wilfully intermarry without certificate from the Registrar, or in the absence of an Officiating Minister or Registrar when the presence of an Officiating Minister or Registrar as aforesaid is necessary under this Act, the marriage of such persons shall be null and void.

Marriages unduly solemnised knowingly to be void.

Ibid, sec. 41

48. If any valid marriage shall be procured by a party to such marriage to be solemnised between persons one or both of whom shall be under the age of twenty-one years, not being a widower or widow, contrary to the provisions of this Act, by means of such party falsely swearing or declaring to any matter or matters to which such party is hereinbefore required personally to declare, such party wilfully and knowingly so declaring, then and in such case it shall be lawful for His Majesty's Attorney-General, by information in the Supreme Court, at the relation of a parent or guardian of the minor whose consent has not been given to such marriage, to sue for a forfeiture of all the estate, right, title, and interest in any property which has accrued or shall accrue to the party so offending by force of such marriage.

Forfeiture of property acquired on marriage of minors without consent.

Ibid, sec. 42