



# *Crime & Punishment*

*Compton Chamberlayne*



## CHARGE OF MAKING A FALSE MARRIAGE DECLARATION

Annie Bailey (23) formerly a domestic servant, was charged with making a false declaration relative to her marriage with William Clapp, farm bailiff, residing at Compton Chamberlayne, near Salisbury, on 19<sup>th</sup> September last, to George Monkhouse Wilson, Superintendant Registrar of the district of Wilton. Prisoner had been out on bail since her committal and now surrendered. She was defended by Mr Duke and Mr Radcliffe prosecuted on behalf of the Authorities. He said the defendant had formerly been in the employ of the Rev. Mr Mangin, rector of West Knoyle, near Salisbury, as a domestic servant and on the 2<sup>nd</sup> of August she went to the office of Mr Wilson, Registrar of Marriages for the Wilton district, and said that she wanted to be married to William Clapp who had accompanied her to the office. Having explained the law relating to marriages, Mr Radcliffe said that the prisoner gave notice that she and Clapp wished to be married by license in the parish church of West Knoyle. They were told that they must give notice to Mr Humby, the Registrar there. She was also told she must inform her master, Mr Mangin, who was the rector of West Knoyle. It appeared that she did inform the Rector and he communicated with the Vicar of Compton Chamberlayne, where Clapp lived. From him he found that Clapp had been married to Bailey's aunt, or the sister of her mother. He therefore found that he could not marry the couple, as the marriage was within the prohibitive degrees which were forbidden by the Church of England. He told both of them he could not marry them and asked the girl if she had told the Mere Registrar of their relationship. She said she had and that he told her there would be no objection. On the 11<sup>th</sup> of August Mr Mangin explained to both Bailey and Clapp that they could not be married and he took out a Prayer Book and showed them the table of affinity and said the Registrar could not marry them any more than he could. They then said they would give up the idea of marriage altogether. The girl shortly afterwards left service and he heard nothing more of it for a time. He, however, gave notice to Mr Humby, of Mere, of the relationship between the parties. On the 19<sup>th</sup> of September, however, Annie Bailey went to Mr Wilson's office in Salisbury and said that some unpleasantness had arisen with reference to the proposed marriage at West Knoyle. She on that occasion applied for a marriage by license, the marriage to take place at Mr Wilson's office. In the case of marriage by license the marriage could be celebrated after one clear day had elapsed. In order to obtain the license she had to sign a declaration which had to be made "solemnly and deliberately conscientiously believing it to be true." In that declaration the prisoner said that she believed there was "no impediment of kindred or alliance or any other lawful hindrance" to her marriage with Clapp. The penalties which attached to a false declaration were the same as those which were attached to perjury. On account of the declaration made and subscribed by the prisoner a license was issued and on the 21<sup>st</sup> she was married to

the man Clapp. A more deliberate case of false declaration it was, the learned Counsel said, impossible to conceive, for the clergyman had distinctly and elaborately explained to her the reasons why she could not be married to Clapp. He then proceeded to call witnesses.

Mr Edwards, 48, New Street, Salisbury, said he was assistant to Mr Wilson and on the 2<sup>nd</sup> August the prisoner came to his office with Clapp and said they wanted to be married without license at West Knoyle Church. He told them they would have to give notice to the Registrar at Mere and to get the consent of the Rector of West Knoyle. The girl said she was living with the Rector of West Knoyle. The parties subscribed the declaration and he gave it to Mr Wilson.

Cross-examined by Mr Duke, witness said he would not swear positively that neither of the parties said there was a slight relationship by marriage between them, but he believed they did not; if they had done so he would not have taken the declaration. Prisoner did not say "mother is dead and father has married again." He was certain he would not have taken the notice had anything been said about relationship.

Mr George Munkhouse Wilson gave formal evidence.

Mr John Thomas Humby, registrar for the Mere district, said that before the prisoner signed the notice he explained it to her and she told him the Rector of West Knoyle, where she was in service, had given his consent to the marriage at the church.

The Rev. Samuel Wareing Mangin, rector of West Knoyle, said he explained to both parties why they could not be married. They admitted the relationship between them. He told the prisoner that the same impediment which prevented him marrying them would prevent the Registrar marrying them also. He showed both the table of affinity in the Prayer Book. William Clapp made some remark as to the frequency of such marriages, but afterwards said they would give up the idea. The girl informed him that she had told the Registrar of the relationship and he made no objection and Clapp said such marriages were not forbidden in the Bible and that he was not aware that it would be illegal.

Mr John Wyatt proved the relationship of the parties.

Mr Edwards recalled said the prisoner came again to him on the 19<sup>th</sup> September and told him that on account of some unpleasantness the marriage at West Knoyle had not taken place, but she wished to be married by license at the Registrar's office.

Harry Mormon, deputy assistant superintendent of marriages for Wilton, said the declaration (produced) was read over to the prisoner and she signed it in his presence of. She said nothing about relationship. He subsequently married the prisoner to William Clapp in the presence of her father and mother.

The defence set up by Mr Duke was that the prisoner signed the declaration without knowing what she was doing. She was, he continued, under the impression that what Mr Mangin said to her only applied to those married according to the rules of the Church of England. She was not aware that it was illegal to marry Clapp, but on the contrary believed that registry offices existed for the purpose of uniting those who could not marry inside the Church of England.

Clapp was called and said that he told the Registrar of the relationship on the first occasion. Mr Edwards then said that as there was no blood-relationship it was no impediment. The clergyman never told him anything about the marriage being prohibitive even at the Registry Office. The girl lived as housekeeper with him from the time she left service until the marriage, but they occupied separate apartments. – Prisoner made a statement to the jury that she was under the impression that what Mr Mangin said to her only applied to people

who wanted to get married in the Church of England. He showed her the table of affinity, but she never looked at it. She searched the Bible through, but could not find such a marriage anywhere forbidden.

The Judge having recapitulated the evidence, pointed out to the Jury that what they had to try was not the legality or illegality of the marriage, but whether the prisoner at the time she made the declaration knew it was false and untrue.

The Jury, after a brief consultation, found the prisoner "not guilty" and she was acquitted.

*(Devizes and Wiltshire Gazette, Thursday 27<sup>th</sup> February, 1890)*