

## CHAPTER 142.

## MARRIAGE.

[No. XXV of 1901.]

[6th November, 1901.]

## PART I.

## PRELIMINARY.

Short title.

1. This Ordinance may be cited as the Marriage Ordinance.

Interpretation.

2. In this Ordinance, unless the context otherwise requires,—

“ Registrar General ” means the registrar general of births and deaths;

“ superintendent registrar ” means the commissary of the district, or any acting commissary, or any officer appointed by the Governor to be superintendent registrar in a registration district;

“ marriage officer ” means a marriage officer appointed under this Ordinance;

“ marriage district ” means a district declared by section three of this Ordinance to be a marriage district;

“ registered building ” means a building registered under this Ordinance as one wherein banns of marriage may be published;

reference to forms is made to the forms given in the schedule hereto.

## PART II.

## MARRIAGE DISTRICTS AND OFFICERS, AND REGISTERED BUILDINGS.

*Marriage Districts.*

Division of the colony into marriage districts.

Chapter 139.

3.—(1) The several registration districts into which the colony is, from time to time, divided under the Registration of Births and Death Ordinance, shall be marriage districts for the purposes of this Ordinance

(2) No alteration at any time made in the limits of any of those registration districts shall affect any proceedings which at the time of the alteration are being taken under this Ordinance to procure due solemnisation of any marriage, but those proceedings may be continued and shall have the like effect as if the alteration had not taken place.

*Marriage Officers.*

4.—(1) The Governor may, in his discretion, appoint any male minister of the Christian religion, ordained, or otherwise set apart, to the ministry of that religion, according to the usage of the communion to which he belongs, to be a marriage officer for the colony. Appointment of ministers of religion as marriage officers.

(2) Any marriage officer may act in that character throughout the colony.

5. No marriage officer shall be required to act in that character with respect to any marriage contrary to, or desired to be solemnised in any manner other than is prescribed by, the rules of the religious denomination to which he belongs. Power to refuse to act.

6.—(1) All applications by ministers of religion for appointment as marriage officers must be made in writing to the Registrar General, who shall without delay transmit the application to the Colonial Secretary for the information of the Governor. Applications for appointment as a marriage officer.

(2) Every minister of religion acting in that character for a congregation, or having the local superintendence of several congregations, who applies to be appointed a marriage officer must state in his application the name or other description of the place of public worship in which he acts, or of the places of public worship of the congregations over which he has local superintendence, and the postal address at or to which all communications intended for him may be delivered or sent.

7. Every marriage officer shall, if he ceases to act as a minister of religion, forthwith notify the fact to the Registrar General. Notification of ceasing to act.

8. Any marriage officer may resign his appointment as that officer by notifying his resignation to the Registrar General. The resignation shall be published in the Gazette and shall take effect from the date of publication. Resignation.

Tenure of office.

9. A marriage officer, when duly appointed, shall retain his office until it is notified in the Gazette that he has ceased to be a marriage officer.

Temporary absence from colony.

10. A marriage officer intending temporary absence from the colony, shall notify the Registrar General of his intention, and shall make arrangements for the custody of the marriage register books supplied to him satisfactory to the Registrar General.

Cancellation of appointment.

11. The Governor in Council shall have full power, on good cause shown, to cancel the appointment of any marriage officer.

Register of marriage officers ; form A.

12.—(1) The Registrar General shall keep a register in accordance with form A of all marriage officers appointed under this Ordinance.

(2) Whenever a marriage officer changes his postal address as last recorded on the list of marriage officers at the Registrar General's office, or takes the active charge or superintendence of any place or places of worship of which his charge or superintendence is not recorded at that office, he shall forthwith report in writing to the Registrar General the change of residence, postal address, or ministerial charge, and in default thereof his appointment as marriage officer may be cancelled.

Sending in of applications or notifications.

13. Every application, notice, or other notification required by or under this part of this Ordinance to be sent to the Registrar General, if the minister concerned is a member of any denomination having a recognized Head in the colony, shall be sent through that Head.

Publication of appointments and changes.

14. All appointments under this part of this Ordinance, and all changes of residence, postal address, or ministerial charge, of marriage officers, shall be published in the Gazette.

#### *Superintendent Registrar.*

Superintendent registrar of marriages.

15. The Governor may appoint any commissary or other officer to be superintendent registrar of marriages in a marriage district.

Office.

16. The superintendent registrar's office shall be taken, for the purposes of this Ordinance, to be within the

district of which it is the register office, although not locally therein.

17.—(1) The Registrar General shall furnish to every superintendent registrar a marriage notice book and a sufficient number of forms of certificates, which shall be accounted for by the superintendent registrar to the Registrar General.

Supply of marriage notice books and forms of certificates.

(2) The cost of providing marriage notice books and forms of certificates shall be defrayed in like manner as the cost of providing register books of births and deaths.

18. A superintendent registrar shall not perform any function or act in respect of marriages elsewhere than in his office, or otherwise than in accordance with the express provisions of this Ordinance.

Limitation of powers.

19. The Governor may at any time declare any building a superintendent registrar's office under this Ordinance, and on notice thereof being published in the Gazette, that place shall be a superintendent registrar's office for all the purposes of this Ordinance, and there may be more than one office in any superintendent registrar's district.

Governor may declare any building a superintendent registrar's office.

### *Registered Buildings.*

20.—(1) The head of every denomination of the Christian religion in this colony, within one month after the commencement of this Ordinance, shall make out and send to the Registrar General a list of all buildings exclusively used as places of public Christian worship belonging to the denomination of which he is Head wherein banns of marriage have been usually published, and the Registrar General shall register the buildings in a book to be kept for that purpose at his office and make out, and cause to be published in the Gazette, a list of all of them, and shall state in the list the marriage district within which each building so registered is situate and shall add also the name and place of abode of the superintendent registrar of each district, and a copy of the list, or of the Gazette containing it, shall be sent to every superintendent registrar and marriage officer.

Registration of buildings in use at the commencement of this Ordinance.

(2) Where it is desired to register a building belonging to a denomination which has no Head in the colony, and which has been exclusively used as a place of Christian worship belonging to that denomination, and wherein

banns of marriage have been usually published, the person in charge of the building shall do, in respect of it, what by the preceding sub-section is required to be done by the Head of a denomination, and the Registrar General shall deal with the building in the manner provided by that sub-section.

Registration of buildings at any time set apart for religious worship.

**21.—(1)** Any proprietor, or trustee, or any other person who has the sole control of a separate building used as a place of Christian worship, may apply to the Registrar General in order that the building may be registered for the publication of banns, and in that case shall deliver or send to the Registrar General a certificate signed by not less than five householders resident within the marriage district, that the building has been and is intended to be used as a usual place of public religious worship, and that they desire the place to be registered as aforesaid, which certificate shall be countersigned by the proprietor, or trustee, or other persons, making the application.

(2) On receipt of the certificate, the Registrar General shall register the building in the book in which buildings used for the publication of banns are registered and indorse on the certificate the date of the registration, and shall keep the certificate with the other records of his office, and shall give a certificate of the registration under his hand on stout paper to the person by whom the certificate is countersigned, and give public notice of the registration of the building by advertisement in the Gazette.

(3) For the entry, certificate, and publication, the Registrar General shall receive, at the time of the delivery to him of the application for registration the sum of two dollars and fifty cents.

What a separate building is.

**22.** Any building which has been, and is intended to be, used exclusively for public religious worship shall be taken to be a separate building for the purpose of being registered under the last preceding section, notwithstanding that it is under the same roof with any other building or forms a part only of a building.

Use of building as school.

**23.** The use of any building for the purposes of a school or the holding of any entertainment therein for any object in connection therewith while religious worship is not going on therein, shall not prevent that building being registered for the publication of banns; and the Registrar General, if satisfied that the necessities of any marriage

district so require and not otherwise, may, on application as above provided, register for the publication of banns a building in which the religious worship of any denomination is usually carried on within that district, notwithstanding that it is used for other purposes while religious worship is not going on therein.

**24.**—(1) If, at any time subsequent to the registration of a building, it is made to appear to the satisfaction of the Registrar General that the building has been disused for the public religious worship of the congregation on whose behalf it was registered as aforesaid, the Registrar General shall cause the registration thereof to be cancelled :

Cancellation  
of registry  
if building  
disused :

Provided that if it is proved to his satisfaction that the same congregation use instead thereof some other building for the purpose of public religious worship, he may substitute and register the new place of worship instead of the disused building.

Proviso.

(2) Every application for cancelling the registration of a disused building, or for the substitution and registration of a substituted building, shall be made to the Registrar General, and the cancellation or substitution when made and the date thereof shall be entered in the book provided for the registration of those buildings, and shall be certified and published in manner hereinbefore provided in the case of the original registration of the disused building.

(3) For every substitution the Registrar General shall receive at the time of the delivery of the certificate from the party requiring the substitution the sum of two dollars and fifty cents.

(4) After the cancellation or substitution has been made by the Registrar General, banns may not lawfully be published in the disused building unless it is again registered in the manner hereinbefore provided.

**25.** Whenever a registered building is being reconstructed or repaired, the Registrar General, on application in writing made to him for that purpose, may order and direct that banns of marriage may be published in any church or other building in the same marriage district which he by order in writing directs until the registered building is again opened for the performance of divine service, and during the whole of that period that church or building, for all purposes relating to the publication of banns of marriage, shall be deemed and taken to be the registered building under reconstruction or repair.

Rebuilding  
or repair of  
registered  
building.

Notice to be placed in registered building.

26. In some conspicuous place at the main entrance, or one of the main entrances, of every registered building, a notice shall be placed in these words :

“ Banns may be published in this building.”

Consent required for use of registered building.

27. No banns shall be published in any registered building without the consent of the minister or other person having the charge and control thereof, or of the head of the denomination to which the minister belongs, where he is by law empowered to give that consent.

### PART III.

#### RESTRICTIONS ON MARRIAGE.

##### *Persons who may not intermarry.*

Prohibited degrees :

28. Intermarriage between those hereinafter mentioned is hereby prohibited, namely,—

- (a) in the case of those related by blood, between
  - (i) ascendants and descendants, namely, parents and children, upward and downward in infinitum;
  - (ii) brothers and sisters, or step-brothers and step-sisters;
  - (iii) uncles and their nieces, that is, their brother's or sister's children or grandchildren and descendants, or aunts and their nephews, that is, their brother's or sister's sons or grandsons or their descendants, in both classes of cases in infinitum;
- (b) in the case of those related by affinity, between
  - (i) a husband and any kinswoman or kindred of his deceased wife, or the wife and any kinsman or kindred of her deceased husband, related to the husband or wife in the hereinbefore stated degrees, namely: between any person and his daughter-in-law, that is, his son's widow or his son's or daughter's son's widow, and so downward, any widow of any of his descendants, or any wife and her son-in-law, that is, the husband of her deceased daughter, or the husband of her son's

or daughter's daughter, and so downward, the husband of any of her descendants;

- (ii) a man and his step-daughter, that is, the daughter of a former marriage of his wife, or any of his said wife's descendants, or a woman and her step-son, that is, the son of a former marriage of her deceased husband, or any of her said husband's descendants;

(c) between any persons who by the common law of the colony are forbidden to intermarry :

Provided that—

- (i) any man may hereafter marry the sister of his deceased wife; and  
 (ii) any woman may hereafter marry her deceased husband's brother.

Proviso.

**29.** All marriages celebrated between persons forbidden to intermarry shall be absolutely null and void to all intents and purposes whatsoever.

Marriages within the prohibited degrees void.

**30.**—(1) Where either of the parties, not being a widower or widow, is under the age of twenty-one years, no marriage shall take place between them until the consent,—

Restriction of power in cases of minority of parties :

- (a) of the father (if then living) of the party so under age; or,  
 (b) if he be dead, of the guardian or guardians of the person of the party so under age, lawfully appointed, or one of them; or,  
 (c) if there be not that guardian, of the mother if living and unmarried; or  
 (d) if there be no mother living and unmarried, then of a guardian or guardians of the person appointed by the Supreme Court or a judge thereof,

has been first obtained :

Provided that when there is no person capable of consenting, the marriage may be sanctioned as prescribed in the next succeeding section.

Proviso.

(2) Persons who have reached the age of twenty-one years, and widowers and widows, may marry without the consent of others.

**31.** If a parent or guardian whose consent is necessary to a marriage is non compos mentis or absent from the colony, or otherwise incapable as aforesaid of consenting,

Case of parent or guardian of party to be married being unable to consent or improperly refusing consent to marriage.



or withholds his, her, or their consent to any marriage, or if there is no one capable of consenting, anyone wishing to marry to whose marriage that consent is necessary but cannot be given, or is withheld, may apply by petition to the Chief Justice, or (in case of there being no one officiating as Chief Justice) a judge of the Supreme Court, who is hereby empowered to proceed upon the petition in a summary way, and if the marriage proposed, upon examination, appears to him to be proper he shall judicially declare, by his order in writing, that the marriage is proper and may be solemnised forthwith; and every marriage duly solemnised in pursuance or under the authority or direction of that order shall be as good, valid, and effectual, to all intents and purposes whatsoever, as if the consent aforesaid had been duly given thereto.

#### PART IV.

##### PRELIMINARIES TO MARRIAGE.

Authority  
for solemnisation :

**32.** Except in the cases mentioned in the seventh part of this Ordinance, no marriage shall be solemnised or celebrated unless there is produced to the marriage officer, or superintendent registrar, solemnising or celebrating it, a certificate or certificates, as the case may be, of the due publication of the banns within the preceding three months, or a licence of the Governor which is still in force, or a superintendent registrar's certificate or superintendent registrar's certificates which is or are still in force :

Proviso.

Provided that where a marriage is solemnised by a marriage officer officiating in the registered building in which banns of that marriage have been within the aforesaid period duly published, or is celebrated at a superintendent registrar's office where any notice relating to that marriage, and still in force, has been duly given, it shall not be necessary to issue a certificate of the publication in that registered place or of the notice given in that office.

##### *Banns of Marriage.*

Publication  
of banns.

**33.—(1)** Any minister of the Christian religion, ordained or otherwise set apart to the ministry thereof, according to the usage of the communion to which he belongs, if appointed as a marriage officer (but not otherwise), may himself, or by someone officiating under his control, publish banns of marriage between persons wishing to be joined together in holy matrimony.

(2) The publication shall be made in an audible manner some time during public divine service on a Sunday, in the face of the congregation before whom, and in the registered building in which the minister officiates and in the marriage district in which dwell both of the parties to be married, and shall contain the Christian and other name and surname and place of abode of each of the parties, and shall be published on three Sundays within a period not exceeding three months preceding the solemnisation of the marriage.

(3) If the parties to be married dwell in different marriage districts the banns shall be published in like manner in each marriage district.

(4) If one or both of the parties dwell in any place not within any marriage district then, if there be a registered building in use in that place, the banns of the party or parties dwelling there shall, subject to the provisions of section twenty-seven of this Ordinance be published there in manner aforesaid; and if there be no registered building in that place, then the banns of those of the parties to be married who dwell there shall be published in manner aforesaid in some marriage district next adjoining thereto.

**34.** No marriage officer shall be obliged to publish banns between any persons whomsoever, unless the persons to be married, two days at the least before the time required for the first publication of the banns respectively, deliver or cause to be delivered, to the marriage officer, a notice of their true Christian and other names and surnames, their respective rank, profession, or occupation, and a description of their place or respective places of abode in the marriage district or place aforesaid, and of the time during which they have dwelt there, and state whether they, or one, and if one only which of them, have or has been married before, and the notice shall further contain a statement signed by both parties to the effect that they know of no lawful impediment to their marriage with each other.

Notification to be made to minister before publication of banns by parties intending to marry.

**35.—(1)** Whenever anyone, whose consent to a marriage is by this Ordinance required, forbids the marriage and gives notice thereof before it is solemnised to the minister publishing the banns therefor, the publication of those banns shall be void unless the person so objecting afterwards withdraws his objection, and then the publication shall hold good.

Publication when void.

(2) Whenever three calendar months from the last publication of banns have elapsed without the marriage to which those banns relate having been solemnised, the publication of the banns shall be void.

(3) In either of the cases aforesaid, before the parties can be married by banns, the banns must be published anew in manner and form aforesaid, as if no banns had ever been published between them.

Certificate of publication of banns.

**36.**—(1) The officiating minister at any registered building where banns have been duly published as aforesaid, shall, unless that publication is void, on the request of both or either of the parties whose banns have been so published, give to the party requiring it a certificate of the banns having been duly published in that building.

(2) For the certificate the officiating minister shall be entitled to demand and receive a fee of one dollar.

Supply of books for the registration of banns.

**37.** The Registrar General shall provide, for use at every building wherein banns may be published under this Ordinance, a proper register book of banns, of substantial paper, ruled and having the several pages numbered progressively; and the banns shall be published from that book and not from loose papers and, after publication, shall be signed by the officiating minister or by some person under his direction.

#### *Marriage Licences.*

Power of the Governor to grant marriage licences.

**38.** The Governor, subject to the restrictions herein-after mentioned may, if he thinks fit in any case, grant a licence to marry without publication of banns.

Restriction of power in cases of minority of parties.

**39.** Where either of the parties, not being a widower or widow, is under the age of twenty-one years, the licence shall not be granted until the consent—

- (a) of the father (if then living) of the party so under age; or,
- (b) if he is dead, of the guardian or guardians of the person of the party so under age, lawfully appointed, or one of them; or,
- (c) if there is not that guardian, of the mother if living and unmarried; or,
- (d) if there is no mother living, and unmarried, then of a guardian or guardians of the person, appointed by the Supreme Court or a judge thereof,

has been first obtained.

40. The parties intending marriage or either of them may require that the licence shall authorise the solemnisation of the marriage, in respect of which application for the licence is made, by any marriage officer by whom that marriage could have been solemnised if banns thereof had been published as aforesaid.

Rights of parties obtaining licence.

41.—(1) Those intending marriage who desire to obtain the licence shall apply to the Governor therefor by petition lodged at the Colonial Secretariat at least two days before it is required.

Applications for licences.

(2) The petition shall state—

- (a) the Christian or other names and surnames of the parties, their respective rank, profession or occupation;
- (b) the place where, and the marriage officer by whom, the marriage is to be solemnised;
- (c) whether the parties or either of them have or has been previously married;
- (d) that they know of no impediment of kindred, or alliance, or other lawful cause, to prevent the proposed marriage;
- (e) that one of the said parties, for the space of fifteen days immediately preceding the licence, has had his or her usual place of abode within the colony;
- (f) where either of the parties, not being a widower or widow, is under the age of twenty-one years, that the consent of the person or persons whose consent to the marriage is required under this Ordinance has been obtained.

(3) The petition shall be signed by both parties and shall be accompanied by such evidence of the statements therein made as the Governor may from time to time prescribe in the case of those petitions.

42. A licence shall be in the form prescribed by the Governor.

Form of licence.

43. If any objection to the grant of any licence for a marriage be lodged at the Colonial Secretariat that objection being duly signed by or on the behalf of the person who lodges it, stating his place of residence and the ground of objection, no licence shall issue until the Governor has examined into the matter of the objection and is satisfied

Objections against issue of a licence.

that it ought not to obstruct the grant of the licence for the marriage, or until the objection is withdrawn by the party who lodges it.

Licence,  
when void.

44. Whenever three calendar months have elapsed without the marriage to which a licence relates having been solemnised, that licence shall be void, and before the parties can be married by licence a fresh licence must be obtained as if no licence had been previously granted.

*Superintendent Registrar's Certificate.*

Notice of  
marriage;  
schedule;  
form B.

45.—(1) Those intending marriage who desire to obtain a superintendent registrar's certificate shall give notice under their hands in form B or to the like effect, to the superintendent registrar of the district within which they have dwelt for not less than seven days then next preceding, or, if the parties dwell in different marriage districts, each shall give the like notice to the superintendent registrar of the district wherein he or she has dwelt for the period aforesaid.

(2) The notice shall have at the foot thereof a statutory declaration, made and signed by the parties or party giving it, stating—

- (a) that they, or he, or she (as the case may be), know or knows of no impediment of kindred, or alliance, or other lawful hindrance, to the said marriage; and
- (b) that they, or he, or she (as the case may be), for the space of seven days immediately preceding the giving of the notice, have or has had their, his, or her, usual place of abode and residence within the district of the superintendent registrar or registrars to whom the notice or notices (as the case may be), is, or are so given; and
- (c) when either of the parties intending marriage, not being a widower or widow, is under the age of twenty-one years, further stating that the consent of the persons whose consent to that marriage is by law required, or of the Chief Justice or other judge, has been given.

(3) The declaration may be made before and taken by anyone by law authorised to administer an oath, or before and by the superintendent registrar to whom the notice is about to be given.

(4) The notice aforesaid shall not be received by any superintendent registrar unless it is in the prescribed form and accompanied by the declaration aforesaid.

**46.**—(1) The superintendent registrar to whom the notice of marriage is given shall forthwith file it with the records of his office, and also enter the particulars thereof in the book to be called The Marriage Notice Book, and for each entry shall be entitled to have a fee of twenty-four cents.

Filing and entry of notice.

(2) The marriage notice book may at any reasonable time be inspected without fee by anyone.

**47.** The superintendent registrar receiving the notice shall cause a true and exact copy thereof, with a statement under his hand that any objections to the intended marriage must be lodged with him within twenty-one days from the date thereof, to be suspended or affixed in some conspicuous place outside his office for the twenty-one days next after the day of the entry of the notice in his marriage notice book.

Publication of notice.

**48.**—(1) After the expiration of twenty-one days next after the day of the entry of the notice in his marriage notice book, the superintendent registrar shall issue under his hand, upon the request of any party giving the notice, a certificate in, or to the effect of, form C, provided no lawful impediment or valid objection to the marriage has been in the meantime shown to exist.

Certificate of notice ;

schedule ;  
form C.

(2) For the certificate the superintendent registrar shall be entitled to demand and receive a fee of one dollar.

**49.**—(1) Anyone may enter an objection to the issue of a superintendent registrar's certificate on the ground of any legal impediment to a marriage between the parties, or of consent on the part of anyone whose consent is required to the marriage not having been obtained.

Objections to issue of certificate.

(2) The objection shall be in writing, signed by or on behalf of the person who enters it, shall state his name and place of residence and the ground of his objection, and shall be lodged with the superintendent registrar within twenty-one days from the date of the notice set up outside his office under section forty-seven of this Ordinance.

(3) When any objection is so lodged the superintendent registrar shall transmit it to a judge of the Supreme

Court who shall decide upon it as expeditiously as the circumstances of the case will allow, the objection so transmitted being as far as practicable regarded and dealt with as a petition.

(4) The superintendent registrar in that case shall suspend the issue of his certificate until he receives a certified copy of the judge's decision, and shall act in conformity therewith.

(5) The costs of and attending the decision by a judge on any objection shall be in the judge's discretion.

Certificate,  
when void.

50. Whenever three calendar months have elapsed without the marriage to which a certificate relates having been performed that certificate shall be void, and before the parties can be married by a superintendent registrar's certificate a fresh notice must be given as if no proceedings had previously been taken to obtain a certificate.

Notice of  
a foreign  
marriage.

51.—(1) A notice of a marriage intended to be solemnised under the Foreign Marriage Act, 1892, shall be given by one of the parties intending the marriage who has had his or her usual abode in some place in the colony for one week preceding (or for any other period prescribed by order in Council at any time hereafter published under the Act aforesaid), to the superintendent registrar of the marriage district in which that place is.

Form of  
notice.

(2) The notice shall be given in the like form, so far as it is applicable, and shall be subject to the like requirements as if that party were about to be married in that place.

Publication  
of notice.

(3) The superintendent registrar shall deal with the notice and shall publish it in like manner on payment of the like fee as in the case of a marriage within his marriage district.

Certificate of  
publication  
of notice.

(4) The superintendent registrar, unless he is aware of any impediment or objection which should obstruct the solemnisation of the marriage, shall give a certificate that the notice has been so given and published as aforesaid, in the like manner and in the like form, so far as the same is applicable on payment of the like fee, as in the case of a marriage in his marriage district.

False  
declaration  
or represen-  
tation.

(5) Anyone who—

(a) knowingly and wilfully makes a false declaration, or signs a false notice under this Ordinance, for the purpose of procuring a marriage under the Foreign Marriage Act, 1892, or

(b) forbids a marriage under that Act by falsely representing himself to be a person whose consent to the marriage is required by law, knowing the representations to be false,  
shall suffer the penalties of perjury and may be tried in any county in the colony and dealt with in the same manner in all respects as if the offence had been committed in that county. Penalty.

## PART V.

## SOLEMNISATION OR PERFORMANCE OF MARRIAGE.

52. Every marriage shall, except in the cases mentioned in part VII of this Ordinance be solemnised— Provisions as to solemnisation.

- (a) between the hours of six in the morning and nine in the evening, if solemnised by anyone other than a superintendent registrar, and between the hours of ten in the morning and four in the afternoon if performed at a superintendent registrar's office; Time.
- (b) by some marriage officer, or by the superintendent registrar of the marriage district, if the marriage is performed at his office, and in either case in the presence of two or more credible witnesses besides the marriage officer or superintendent registrar; By whom.
- (c) (i) according to the form and ceremony the parties see fit to adopt; Ceremony :

Provided that in some part of the ceremony the consent of each party to accept the other as his or her wife or husband is clearly expressed in the presence of the marriage officer and the witnesses; Proviso :

- (ii) if a marriage is performed in a superintendent registrar's office, each of the parties shall say to the other: "I call upon these persons here present to witness that I, A. B., do take thee, C. D., to be my lawful wedded wife (or husband)";

Provided that in the marriage of East Indian immigrants it shall not be necessary for either party to pronounce the name of either party. Proviso.

53. If the parties to a marriage contracted at the superintendent registrar's office desire to add the religious ceremony ordained or used by any Church or persuasion Addition of religious ceremony to civil marriage.



to the marriage so contracted, they may present themselves for that purpose to any minister of that Church or persuasion, who, upon the production of their certificate of marriage before the superintendent registrar, may if he thinks fit perform the marriage service of the Church or persuasion to which he belongs, but nothing in the performance of that service shall supersede or invalidate a marriage so previously contracted, nor shall the performance of that service be entered as a marriage among the marriages in any marriage register provided under this Ordinance; and at no marriage performed at the registrar's office of any district shall any religious service be used there.

Fee of superintendent registrar for performance of marriage.

**54.** For every marriage performed in his office the superintendent registrar shall be entitled to demand and receive from the parties married a fee of one dollar.

Case of marriage between minors after publication of banns.

**55.** No marriage officer who solemnises any marriage after due publication of banns as aforesaid between persons, both or one of whom not being a widow or widower, are or is at the time of the marriage under legal age, shall be answerable or responsible, or liable to any pain, penalty, or proceeding, for having solemnised the marriage without the consent of the parents or guardians, or other persons if any, whose consent is required by law, unless those parents or guardians, or other persons, or one of them, forbid the marriage, and give notice thereof to the marriage officer before he has solemnised the marriage.

## PART VI.

### REGISTRATION OF MARRIAGE.

Supply of register books.

**56.**—(1) A bound marriage register book and separate sheets for a duplicate original register, all of substantial paper, according to the forms provided for the registration of marriages by this Ordinance, shall, at the commencement of this Ordinance and thereafter whenever necessary, be supplied to each marriage officer and superintendent registrar by the Registrar General.

(2) The cost of providing the books and separate sheets shall be defrayed in like manner as that of providing register books of births and deaths.

Keeping of register of marriages;

**57.** Immediately after the solemnisation or performance of every marriage, an entry thereof shall be made in a marriage register book by the marriage officer or superintendent registrar; and in every entry in every register it

shall be expressed that the marriage was had by banns, or by licence of the Governor, or superintendent registrar's certificate, and if both or either of the parties married by licence or certificate be under age and not a widow or widower, that it was had with the consent of the parents or guardians, or other persons or person having lawful authority to withhold consent to the marriage, or after an order of the Chief Justice or other judge aforesaid, and shall be signed by the marriage officer or superintendent registrar, as the case may be, with his proper addition, and by the parties married, and shall be attested by the two witnesses; and every entry shall be in or to the effect of form D in the schedule.

schedule ;  
form D.

58.—(1) Of every entry at the same time before the parties depart shall then and there be made on a separate piece of paper a duplicate original register in which the same matter shall be entered and signed, and attested by the same parties in or to the effect of form E in the schedule.

Duplicate  
register ;

schedule ;  
form E.

(2) All duplicate original registers made in any one calendar month shall, within the first ten days of the calendar month next following, be transmitted to the Registrar General and shall be filed and safely preserved by him in his office, and every marriage officer and superintendent registrar shall be entitled to receive, out of any moneys which the Legislative Council provides for that purpose, the sum of twenty-five cents for every marriage so entered and transmitted as aforesaid.

(3) Every original register, and also every copy thereof certified, under the hand of the marriage officer, or superintendent registrar, who for the time being has the lawful custody of the original, to be a true copy, and every duplicate original register, and also every copy thereof, certified, under the hand of the Registrar General, or his lawful deputy, to be a true copy, shall respectively be good evidence of the facts therein recorded, in pursuance of this Ordinance in all courts and proceedings whatsoever in which it may be necessary to give evidence of the marriage to which it relates.

59. All persons at all reasonable times in the day (except Sundays), may search the original register book, and also the file of duplicate original registers, in the presence of the person for the time being having the care of them respectively, or his deputy, and may have a true copy of any entry therein, certified under the hand of the marriage officer,

Right to  
search  
register  
books, and  
to have  
certified  
copies of  
entries  
therein.

superintendent registrar, or officer for the time being respectively having the custody of the original or duplicate original register as aforesaid (as the case may be), which true copy the marriage officer, or Registrar General, or his lawful deputy, is hereby required to make, examine, and certify under his hand to be a true copy, in the form of the duplicate original register, except that the copy shall be headed "Certified copy of original (or duplicate original) marriage register," (as the case may be), and shall be dated on the day, month, and year when it is delivered.

Fees payable  
for search  
and for  
certified  
copies of  
entries.

60. The following fees shall be demandable and payable before the performance of the duty to which they respectively relate, that is to say,—

for every general search not directed to any particular entry	ninety-six cents
for every search for a particular entry ... ..	forty-eight cents
for every search for two or more particular entries and not exceeding four entries... ..	twenty-four cents for each entry
for every such certified copy as aforesaid ... ..	forty-eight cents

## PART VII.

### CLINICAL MARRIAGES.

As to  
marriage in  
articulo  
mortis.

61.—(1) A marriage officer may solemnise a marriage without any licence, or certificate of notice, or banns, in the following special case, that is to say, where the marriage is between two persons one of whom he believes, from the certificate of a medical practitioner, if a medical practitioner has been in attendance on that person, and if no practitioner is actually in attendance on the person, or it appears to the marriage officer impossible to obtain a certificate in time, then from his own observation, to be in articulo mortis, the person, before the solemnisation, declaring that he or she believes that he or she is at the point of death.

(2) The marriage shall not be solemnised unless both parties are able to signify their consent thereto in presence of two witnesses.

(3) The marriage shall not be solemnised where either of the parties is under twenty-one years of age, not being

a widower or widow, without the verbal or written consent of the person whose consent is by law required; if that person is present the consent may be given orally, and the person shall sign the register of the marriage in token of assent thereto; if the person is absent the consent shall be in writing, and shall be attached to the duplicate register.

(4) A marriage so solemnised shall be specially registered, and the certificate of the medical practitioner, or the marriage officer who performed the ceremony, as the case may be, that in his opinion the sick person is at the point of death, shall be attached to the duplicate register.

(5) The register and duplicate original register shall contain the particulars and be in the form indicated in form F in the schedule; but shall in all other respects be subject to the provisions of this Ordinance relating to marriage registers. Schedule;  
form F.

(6) No marriage solemnised under the provisions of this section shall be valid unless the foregoing conditions are observed.

(7) The certificate to be given by a medical practitioner, or a marriage officer for the purposes of this section, shall be in form G in the schedule. The fee payable to any government medical officer for the certificate shall be one dollar, if a special visit is not required before it can be given, and if a special visit is required, a fee of two dollars. Schedule;  
form G.

## PART VIII.

### OFFENCES.

62. Anyone who knowingly and wilfully—

- (a) solemnises marriage at any other time than between the hours of six in the morning and nine in the evening, save in the case mentioned in part VII;  
or
  - (b) solemnises marriage save as aforesaid without due publication of banns, or licence of marriage from the Governor, or certificate from a superintendent registrar, first had and obtained;  
or
  - (c) falsely pretending to be a marriage officer or superintendent registrar, solemnises marriage;  
or
- Unduly  
solemnising  
marriage:

(d) solemnises any marriage save as aforesaid more than three months after the last publication of banns, or the issue of a licence by the Governor, or the entry of a notice of the marriage by a superintendent registrar,

shall be guilty of a misdemeanour, and on conviction thereof shall be liable to imprisonment with or without hard labour for any term not exceeding two years :

Proviso.

Provided that all prosecutions therefor shall be commenced within three years after the offence committed.

Making false declaration, etc.

**63.** Anyone who knowingly and wilfully makes any false declaration (statutory or other), or signs any petition, notice, statement or certificate required by this Ordinance, which is in any material respect false, for the purpose of procuring any marriage, shall be deemed guilty of wilful or corrupt perjury and shall be liable to be prosecuted and punished accordingly.

Performance by superintendent registrar of a void marriage.

**64.** Any superintendent registrar who knowingly and wilfully performs, or permits to be performed, in his office any marriage in this Ordinance declared to be null and void shall be guilty of a misdemeanour and on conviction thereof shall be liable to imprisonment with or without hard labour for any term not exceeding two years.

Liability of persons lodging an objection on frivolous grounds.

**65.**—(1) Anyone who enters an objection with the Colonial Secretary or superintendent registrar against the grant of any licence or issue of any certificate, on grounds which the Governor or a judge declares to be frivolous as well as being such as ought not to obstruct the grant of the licence, shall be liable for the costs of the proceedings, and for damages which may be recovered by plaint or action by the party against whose marriage the objection has been lodged.

(2) For the purpose of enabling anyone to recover costs and damages in any action, as provided by this section, from any person who has lodged an objection on frivolous grounds, a copy of the declaration of the Governor, purporting to be signed by him, or a copy of the judgement of the judge, shall be evidence that the Governor or judge has declared the objection to have been lodged on grounds that are frivolous as well as being such as ought not to obstruct the grant of the licence or issue of the certificate, as the case may be.

## PART IX.

## MISCELLANEOUS.

66. After the solemnisation or performance of any marriage under this Ordinance, it shall not be necessary, in support of the marriage, or in any action, suit, or proceeding where it may come into question, to give any proof of the consent of anyone whose consent thereunto is by law required, or, the actual dwelling of the parties married, or of either of them, before the marriage in any specified district, for any prescribed period, or that the banns were published, or notice of intended marriage given, in the place wherein, or by or to the person by or to whom, the banns ought to have been published, or the notice given, or that the marriage was solemnised or performed in the place, and by a person, where and by whom it ought to have been solemnised or performed :

Dispensing with proof of certain preliminary matters, after solemnisation of marriage :

Provided that nothing herein contained shall prevent any evidence being given that the marriage is null and void under any provision of this Ordinance expressly declaring marriages to be null and void, but the burden of proof shall in all those cases lie on the party alleging the marriage to be null and void.

Proviso.

67. In no case whatsoever shall any suit or proceeding be had, in any court, or before any jurisdiction whatsoever, to compel the celebration of any marriage by reason of any promise or marriage contract made, or by reason of seduction, or of any cause whatsoever which arises after the commencement of this Ordinance, any law or usage to the contrary notwithstanding :

Prohibiting proceedings to compel marriage :

Provided that nothing herein contained shall prevent anyone aggrieved from suing for or recovering damages in any court, or by any proceeding wherein and whereby damages may be lawfully recovered for breach of promise of marriage, or for seduction, or other cause aforesaid.

Proviso.

68. If any persons, save in the cases mentioned in the seventh part of this Ordinance, being married by a superintendent registrar—

Invalidation of certain marriages.

- (a) knowingly and wilfully intermarry in any other place than a building wherein marriages may lawfully be solemnised; or

- (b) knowingly and wilfully intermarry without due publication of banns, or licence from the Governor, or a certificate from a superintendent registrar, first had and obtained; or
- (c) knowingly and wilfully consents to, or acquiesces in, the solemnisation or performance of their marriage by anyone not being a marriage officer or superintendent registrar,

the marriage of those persons shall be null and void to all intents and purposes whatsoever.

Securing of property where necessary consent to marriage not obtained.

**69.**—(1) Where either of the parties to a marriage is under twenty-one years of age, not being a widower or a widow, and is married under this Ordinance without the consent of the person whose consent is by law required, no community of property <sup>(1)</sup> between the parties for the benefit or to the advantage of the party marrying the minor shall take place, nor shall any property be acquired from the minor by the other party to the marriage by last will, gift, transfer, or in any other way whatsoever, nor shall any stipulation made by that party by any ante-nuptial contract for any benefit from the property of the minor be valid or of any effect.

(2) The parent or guardian of the minor whose consent has not been given to that marriage may take proceedings in the Supreme Court by action for securing the property; and the Court shall have power in the action to order and direct that all the property of the minor shall be secured under the direction of the Court for the benefit of the minor or of the issue of the marriage, or of both, in such manner as the Court thinks fit, for the purpose of preventing the offending party from deriving any interest, or pecuniary benefit from the marriage.

Savings.

Chapter 208.

**70.** Nothing in this Ordinance shall affect—

- (a) the provisions as to the marriage of immigrants contained in the Immigration Ordinance; or
- (b) the right of any marriage officer to receive for any duty performed by him under this Ordinance the fees heretofore customarily paid to ministers of the same denomination for the performance of that duty.

<sup>(1)</sup> Since 1904, by the Married Person's Property Ordinance of that year, (Chapter 144), there has been no community of goods between husband and wife in consequence of marriage in respect of either movable or immovable property.

71. All fees received by a superintendent registrar under this Ordinance shall be paid into the Treasury for the benefit of the colony. Payment of fees into Treasury.

72. The Governor in Council may make regulations with regard to the publication of banns of marriage between aboriginal Indians, and any banns published in accordance with those regulations shall be in all respects valid : Publication of banns of marriage of aboriginal Indians :

Provided that nothing in this section contained shall affect the right of aboriginal Indians to have their banns published in accordance with the general provisions of this Ordinance. Proviso.

SCHEDULE.

FORM A.

(Section 12.)

Number.	Name.	Denomination.	Date of appointment.	Postal Address.		Remarks.
				Originally given.	At present time.	

FORM B.

(Section 45.)

*Form of Notice of Marriage.*

To the Superintendent Registrar of the district of  
in the county of

I (*or We*) the undersigned, hereby give you notice that a marriage is intended to be held within three calendar months from the date hereof, between me and the other party herein named and described (*or us*) that is to say :—

Name and surname.	Condition, <i>i.e.</i> , widower, bachelor, widow or spinster.	Rank or profession.	Age.	Dwelling place.	Length of residence.	Marriage district and county in which the parties respectively dwell.
(a)						

(a) *The names and particulars relating to the man should be first entered in the several columns, and then the names and particulars of the woman placed below.*



And hereby solemnly and sincerely declare that know of no impediment of kindred or alliance or other lawful hindrance to the said marriage, and that the above-named, have for the space of seven days immediately preceding the giving of this notice, had usual place of abode and residence within the above-mentioned marriage district of

*(b) If both parties are under age, the form must be adapted so as to meet the case.*

And further solemnly and sincerely declare that of the parties herein named and described [neither is a minor under the age of twenty-one years *(or in lieu of the part within brackets) (b)* not being a widower *(or widow)* is *(or am)* a minor under the age of twenty-one years, and that the consent of whose consent to this marriage is required by law has been duly given and obtained thereto.]

And make the foregoing declarations conscientiously believing the same to be true, pursuant to the provisions of the Marriage Ordinance, well knowing that every person who knowingly or wilfully makes any false declaration, or who signs any false notice for the purpose of procuring any marriage under the provisions of the said Ordinance, shall suffer the penalties of perjury. In witness whereof have hereunto set and subscribed hand this day of

(Signed)

Declared before me this day of

(Signed)

FORM C.

(Section 48.)

*Form of Superintendent Registrar's Certificate.*

I, Superintendent Registrar of the marriage district of in the county of do hereby certify that on the day of the following notice was duly entered in the marriage notice book of the said district *(here copy notice omitting the declarations at foot thereof)*.

The issue of this certificate has not been objected to by any person *(or has been objected to but the objection has been overruled.)*

This certificate will be void unless the marriage is solemnised or performed within three calendar months after the date of the entry of notice, namely, on or before the day of

(Signed)

Superintendent Registrar.

FORM D.  
(Section 58.)  
*Original Register.*

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19 MARRIAGES solemnised or performed at \_\_\_\_\_, in the marriage district of \_\_\_\_\_ in the county of \_\_\_\_\_ 19 .

Number.	When married.	Names and surnames.	Ages.	Condition.	Rank or profession.	Residence at the time of marriage.	After banns or licence or supt. registrar's certificate.	Consent, by whom given, or judge's order.

Married at \_\_\_\_\_ in the marriage district aforesaid, after \_\_\_\_\_, by me.  
(Signed)

Marriage Officer or Superintendent Registrar.

This marriage was solemnised (or performed) between us { \_\_\_\_\_ } in the presence of us { \_\_\_\_\_ }

MARRIAGE.

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2321

FORM E.  
(Section 58.)

*Duplicate Original Register.*

19 . MARRIAGES solemnised or performed at \_\_\_\_\_ in the marriage district of \_\_\_\_\_ in the county of \_\_\_\_\_ 19 .

Number.	When married.	Names and surnames.	Ages.	Condition.	Rank or profession.	Residence at the time of marriage.	After banns or licence or supt. registrar's certificate.	Consent by whom given, or judge's order.

Marriage at \_\_\_\_\_

in the marriage district aforesaid, after \_\_\_\_\_

, by me.  
(Signed)

Marriage Officer (or Superintendent Registrar.)

This marriage was solemnised (or performed) between us { \_\_\_\_\_

} in the presence of us { \_\_\_\_\_

Examined with the original register by me and found to be correct—

Marriage officer (or Superintendent Registrar).

FORM F.  
(Section 61.)

Form of Marriage Register and of Duplicate Original Marriage Register (Marriage in articulo mortis).

Number.	When married.	Names and surnames.	Condition.	Rank or profession.	Ages.	Marriage district and residence at the time of marriage.	Father's name and surname.

MARRIED at  
by (or before) me  
the colony of British Guiana.

in the marriage district of

a marriage officer of

This marriage was { \_\_\_\_\_  
solemnised between us { \_\_\_\_\_

in the presence of us { \_\_\_\_\_  
\_\_\_\_\_

(a) (I consented to the marriage of

(Signed)

.)

I hereby certify that immediately before the solemnisation of this marriage, the said to me in the presence of the witnesses who have attested this marriage that he believed

solemnly declared self to be at the point of death.

(a) Add, if circumstances require.

This day

Marriage Officer.  
, 19 .

MARRIAGE.

OH. 142.

2323

FORM G.  
(Section 61.)

I,  
having been in attendance on  
certify that in my opinion the said  
is in articulo mortis.

medical practitioner,

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