

CHAPTER 29. No. 2.

MARRIAGE.

Ordinances
Ch. 29. No. 2-
1940.
No. 24-1943.
,, 24-1947.

AN ORDINANCE RELATING TO THE SOLEMNIZATION AND
REGISTRATION OF MARRIAGES.

Commence-
ment.

[1st. January, 1924.]

Short title.

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

Administration.

Registrar of
Marriages.

2. The Registrar General shall be the Registrar of Marriages under this Ordinance, and shall keep at his office in Port-of-Spain a general register of marriages in the Colony.

District
Registrar,
Port-of-
Spain.

3. The Registrar of Marriages shall be, in right of his office, District Registrar of Marriages within the City of Port-of-Spain.

District
Registrars,
San
Fernando
and Arima.

4. It shall be lawful for the Governor to appoint such persons as he shall see fit to be District Registrars of Marriages for the Boroughs of San Fernando and Arima, and every person so appointed shall hold office during the Governor's pleasure.

Wardens to
be District
Registrars.

5. The Warden of each County shall be, in right of his office, District Registrar of Marriages within the Wards comprised in such County, and such Wards shall be deemed the district of such District Registrar:

Provided that all powers and duties conferred and imposed on a Warden as District Registrar of Marriages under this Ordinance may be exercised and performed by an Assistant Warden.

Marriage Officers.

6. (1) It shall be lawful for the Governor, or any person duly authorised by him, to grant licences to such persons being ministers of any Christian religion, as the Governor or such authorised person may, in his discretion, think fit, to be Marriage Officers, and, without assigning any reason for so doing, to cancel any such licence.

Marriage
Officers.
Ord. 24-1947,
s. 2.

(2) A licence under this section shall be in the form given in Schedule A hereto.

Schedule A.

(3) Notice of the granting or cancellation of any such licence shall be published in the *Royal Gazette*. Every such notice shall take effect from the date of publication.

7. Any minister of religion who desires to be licensed as a Marriage Officer shall make application to the Colonial Secretary. Such application shall state the dwelling-place of the applicant and the name of the religious denomination to which he belongs, and shall be accompanied by a certificate from the local head of such religious denomination to the effect that the applicant is a fit and proper person to be licensed as a Marriage Officer.

Application
for licence as
a Marriage
Officer.

8. It shall be lawful for any Marriage Officer, subject to the approval in writing of the local head of his religious denomination, to resign his appointment as such. Any such resignation shall be notified in the *Royal Gazette*, and shall take effect from the date of publication.

Resignation
of Marriage
Officer.

9. It shall be lawful for any Marriage Officer to act as such in any part of the Colony.

Marriage
Officer may
act in any
part of the
Colony.

10. Every District Registrar shall keep affixed in a conspicuous place in his office a list of all licensed Marriage Officers, in which list shall be stated the dwelling-place of each Marriage Officer, and the name or other description of the place or places of public worship (if any) at which he acts as a minister of religion.

District
Registrars
to keep lists
of Marriage
Officers.

Preliminaries to solemnization of marriage.

Alternative procedure which may be followed as a preliminary to solemnization of marriage.

11. Marriage may be solemnized—

- (a) under the authority of a District Registrar's certificate or District Registrars' certificates; or
- (b) under the authority of a Marriage Officer's certificate or Marriage Officers' certificates; or
- (c) under the authority of a licence from the Governor; or
- (d) under the provisions of section 41.

Notice to District Registrar.

12. (1) In every case of marriage intended to be solemnized under the authority of a District Registrar's certificate or District Registrars' certificates, each of the parties shall give notice of the intended marriage, in the form given in Schedule B hereto (making the declaration therein contained), to the District Registrar of the district within which he or she has respectively resided for not less than seven days next preceding the date of such notice:

Schedule B.

Provided that when each of the parties to the intended marriage shall have resided for the required period in the same district, a single notice shall be sufficient.

(2) On the receipt of a notice of an intended marriage, such District Registrar shall forthwith enter the particulars set forth in such notice and also the date of the receipt of such notice, in a book to be called the "Marriage Notice Book," and shall suspend a copy of such notice in a conspicuous place in his office for a period of not less than seven days from the time of the receipt thereof.

(3) For every entry made in the Marriage Notice Book the District Registrar shall be entitled to a fee of twenty-four cents, and such Marriage Notice Book shall be open at all reasonable times, without fee, to all persons desirous of inspecting the same.

District Registrars to send copies of entries to Registrar.

13. (1) Every District Registrar, not being the Registrar of Marriages, shall forthwith transmit to the Registrar of Marriages a copy of every such entry which shall have been made by him as in the last preceding section provided, and such Registrar of Marriages shall, on the receipt of such

entry, file and preserve the same among the records of his office.

(2) Every District Registrar who, without reasonable cause or excuse, shall fail to transmit to the Registrar of Marriages a copy of any entry in accordance with the provisions of this section shall be liable, on summary conviction, for every such offence, to a fine of twenty-four dollars.

14. At any time not more than six months nor less than seven days after the entry of notice, the District Registrar, upon being requested so to do by or on behalf of the party by whom such notice was given, and in case no lawful impediment shall have been shown to the satisfaction of such District Registrar why such certificate should not issue, and in case no *caveat* shall have been entered against the issue of such certificate in the manner hereinafter mentioned, shall issue under his hand a certificate according to the form given in Schedule C hereto, and every such certificate shall state the particulars set forth in the notice, and the date on which the notice was entered, and that no *caveat* has been entered against the issue of such certificate, and that the full period of seven days has elapsed since the entry of such notice; and for every such certificate the District Registrar shall be entitled to a fee of twenty-four cents.

Issue of
District
Registrar's
certificate.

Schedule C.

15. (1) In every case of marriage intended to be solemnized under the authority of a Marriage Officer's certificate or Marriage Officers' certificates, each of the parties shall give notice of the intended marriage, in the form given in Schedule D hereto (making the declaration therein contained), to the Marriage Officer of the congregation to which he or she respectively belongs or is considered to be attached, or if not belonging or not considered to be attached to any congregation then to any Marriage Officer in the district in which he or she has respectively resided for not less than seven days next preceding the date of such notice:

Notice to
Marriage
Officer.

Schedule D.

Provided that when each of the parties to the intended marriage belongs to the same congregation a single notice shall be sufficient.

(2) On receipt of a notice of an intended marriage, such Marriage Officer shall forthwith enter the particulars

set forth in such notice, and also the date of the receipt of such notice, in a book to be kept by him and to be called the "Marriage Banns Book," and shall suspend a copy of such notice for a period extending over two Sundays from the date of the receipt thereof on a notice board to be kept affixed on the outside of the principal door of the place of worship at which he acts as minister of religion.

(3) Such Marriage Officer shall also, by himself or by some other person by him duly authorised, publish the banns of marriage between the parties named in such notice in the place of public worship at which he acts as minister of religion. The publication shall be made in an audible manner sometime during divine service on a Sunday, and shall be in the words as nearly as may be given in Schedule C hereto, and shall be made for two Sundays, during morning or evening service.

Schedule E.

Marriage
Officer to
send copies
of entries to
Registrar.

16. (1) Every Marriage Officer shall forthwith transmit to the Registrar of Marriages a copy of every entry which shall have been made by him as in the last preceding section provided, and such Registrar of Marriages shall, on the receipt of such entry, file and preserve the same among the records of his office.

(2) Every Marriage Officer who, without reasonable cause or excuse, shall fail to transmit to the Registrar of Marriages a copy of any entry in accordance with the provisions of this section shall be liable, on summary conviction, for every such offence, to a fine of twenty-four dollars.

Issue of
Marriage
Officer's
certificate.

17. At any time after publication of banns is complete and before the expiration of six months from the entry of notice, the Marriage Officer, upon being requested so to do by or on behalf of the party by whom such notice was given, and in case no lawful impediment shall have been shown to the satisfaction of such Marriage Officer why such certificate should not issue, and in case no *caveat* shall have been entered against the issue of such certificate in the manner hereinafter mentioned, shall issue under his hand a certificate according to the form given in Schedule F hereto, and every such certificate shall state the particulars set forth in the notice, and the date on which the notice was entered, and

Schedule F.

that no *caveat* has been entered against the issue of such certificate, and that the banns have been published in the manner required by this Ordinance; and for every such certificate such Marriage Officer shall be entitled to a fee of twenty-four cents.

18. In the case of persons residing in the Colony intending that a marriage shall be solemnized between them, it shall be lawful for the Governor, if he shall think fit, to dispense with the giving of notice, and with the issue of the certificate of a District Registrar or a Marriage Officer, and to grant his licence, which shall be in the form given in Schedule G hereto or to the like effect, authorising the solemnization of marriage between the parties named in such licence: Provided that before any such licence shall be issued, one of the parties to the intended marriage shall appear personally before the Registrar of Marriages, and shall make affidavit or solemn declaration that there is not any impediment of consanguinity or affinity or other lawful hindrance to the said marriage, and either that the consent of the person or persons whose consent to such marriage is required by law has been obtained, or that no such consent is required, or that such marriage has been authorised by the Chief Justice as hereinafter provided; and for every such licence the party requiring it shall pay the sum of \$14.40 to the Registrar of Marriages.

Procedure
by licence
from the
Governor.

Schedule G.

Every such affidavit or declaration shall be preserved by the Registrar of Marriages among the records of his office.

19. (1) In any case in which one of the parties (hereinafter referred to as the "resident party") to a marriage intended to be solemnized or contracted under the provisions of this Ordinance is resident in the Colony and the other party to such intended marriage (hereinafter referred to as the "non-resident party") is not so resident, it shall be lawful for the Governor or any person duly authorised by him, if the Governor or such authorised person shall think fit and if the provisions of section 20 of this Ordinance have been complied with, by a writing under his hand (hereinafter referred to as "the Governor's authority"), to authorise the District Registrar to whom

Special
provisions
in cases
where one
party to
intended
marriage
does not
reside in
Colony.

Ord. 24-1943,
s. 2.

Ord. 24-1947,
s. 3.

notice of intended marriage has been given by the resident party to issue his certificate in accordance with the provisions of section 14 of this Ordinance in respect of the non-resident party as if notice had been given to him by such non-resident party jointly with the resident party and as if such non-resident party had the residential qualification prescribed in section 12 of this Ordinance.

(2) The authority mentioned in the last preceding subsection (hereinafter referred to as "the Governor's authority") shall be, as nearly as may be, in the form in Schedule G1 hereto.

Schedule G1.

Application
for authori-
sation under
section 19.
Ord. 24-1943,
s. 2.
Ord. 24-1947,
s. 4.

20. (1) Before the Governor's authority may be granted, the following conditions shall be complied with—

(a) the resident party shall have given notice of the intended marriage in the manner provided by section 12 to the District Registrar of the district within which he has previously resided for not less than seven days next preceding the date of such notice;

(b) not less than seven days but not more than five months shall have elapsed since the entry of the notice referred to in paragraph (a) of this subsection;

(c) the resident party shall have made application to the Colonial Secretary for the Governor's authority not later than five months after the entry of the notice referred to in paragraph (a) of this subsection;

(d) the resident party shall have paid to the officer appointed by the Governor to receive the same the sum of \$14.40 for the issue of the Governor's authority aforesaid.

(2) The application to the Colonial Secretary shall state—

(a) the christian or other names and surnames of both parties; their respective profession, occupation and place of residence;

(b) whether the parties or either of them have or has been previously married;

(c) that no impediment of kindred or alliance or other lawful cause to prevent the proposed marriage is known to the applicant;

(d) that the resident party has resided in the district in which the notice referred to in paragraph (a) of subsection (1) of this section has been given, for not less than seven days next preceding the date of such notice;

(e) 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 such marriage is required under this Ordinance has been obtained.

(3) The application referred to in subsection 1 (c) of this section shall be signed by the resident party and shall be accompanied by a statutory declaration made by him before the Registrar of Marriages in the form given in Schedule H hereto.

Schedule H.

21. (1) Where a marriage is intended to be solemnized or contracted in the Colony between a British subject resident in the Colony and a British subject resident in the United Kingdom, a certificate for marriage lawfully issued in any part of the United Kingdom, as the case may be, shall have the same effect as a certificate issued by a District Registrar or a Marriage Officer in the Colony.

Facilities for marriages between British subjects resident in the United Kingdom and British subjects resident in the Colony.

(2) Where a marriage is intended to be solemnized or contracted in the United Kingdom between a British subject resident in the Colony and a British subject resident in the United Kingdom, a certificate may be issued in the Colony by a District Registrar or a Marriage Officer in the like manner as if the marriage was to be solemnized or contracted under circumstances requiring the issue of such certificate, and as if both such British subjects were resident in the Colony.

(3) For the purposes of subsection (1) of this section, the expression "certificate of marriage lawfully issued" means—

(a) in the case of England, a certificate for marriage issued by a superintendent registrar;

(b) in the case of Scotland, a certificate for marriage issued by a registrar or a certificate of proclamation of banns;

(c) in the case of Northern Ireland, a certificate for marriage issued by a registrar.

Consent to Marriage.

Consent to
marriage of
minors.

22. The father, if living, of any party to an intended marriage under twenty-one years of age (such party not being a widower or widow), or if the father shall be dead then the guardian or guardians of the person of the party so under age lawfully appointed, or one of them, and in case there shall be no such guardian then the mother of such party if unmarried, and if there be no mother unmarried then the guardian or guardians of the person appointed by the Supreme Court, if any, or one of them, shall have authority to give consent to the marriage of such party, and such consent is hereby required for the marriage of such party so under age, unless there shall be no person authorised to give such consent.

Power of
Chief Justice
to authorise
marriage.

23. In case any person whose consent is required by law to any marriage, not being the father of either of the parties to the marriage, is absent from the Colony, or is unable or refuses to give such consent, or being the father of one of such parties is of unsound mind or absent from the Colony, it shall be lawful for the persons desirous of contracting such marriage to apply by petition to the Chief Justice, who may proceed upon such petition in a summary way, and, in case the marriage proposed shall upon examination appear to him to be proper, the Chief Justice shall judicially declare by order in writing that such marriage may be solemnized and such order shall, for the purposes of this Ordinance, be deemed equivalent to such consent as aforesaid.

Caveats.

Objections
to marriage.

24. Any person whose consent to a marriage is hereby required, or who may know of any just cause why the marriage should not take place, may, on payment of \$1.20, enter a *caveat* against the issue of a District Registrar's or Marriage Officer's certificate in the following manner:—

(a) if the marriage is intended to be solemnized under the authority of a District Registrar's certificate, such person shall, at any time before the issue of such certificate, write the word "Forbidden" opposite to the entry of the notice in the Marriage Notice Book, and shall append thereto his name and place of abode,

and the grounds upon which he claims to forbid the marriage;

(b) if the marriage is intended to be solemnized under the authority of a Marriage Officer's certificate, such person shall give notice in writing to the person publishing the banns that he forbids the marriage, and shall append to such notice his name and place of abode, and the grounds upon which he claims to forbid the marriage. The person publishing the banns, if he be not the Marriage Officer, shall forthwith forward such notice to the Marriage Officer and the Marriage Officer shall record in the Marriage Banns Book the fact and date of the receipt of the notice forbidding the marriage.

No District Registrar or Marriage Officer shall issue his certificate until such *caveat* has been removed in the manner hereinafter provided.

25. (1) Whenever *caveat* is entered against the issue of a District Registrar's or Marriage Officer's certificate, the District Registrar or Marriage Officer, as the case may be, shall forthwith refer the matter to the Chief Justice.

When *caveat* entered, matter to be referred to Chief Justice.

(2) If the Chief Justice is of opinion that no legal ground has been disclosed in the *caveat* for forbidding the issue of the certificate, he may remove the *caveat* in the manner hereinafter provided without requiring any of the parties to appear.

(3) In other cases, the Chief Justice shall summon the parties to the intended marriage and the person by whom the *caveat* has been entered, and shall require such last named person to show cause why the District Registrar or Marriage Officer, as the case may be, should not in due course issue his certificate.

(4) Every such matter shall be heard and determined in a summary manner, and the Chief Justice may award compensation and costs to the party against whom the *caveat* was entered, if it appear that such *caveat* was entered on insufficient grounds.

26. (1) If the Chief Justice shall decide that the certificate ought to issue, he shall remove the *caveat* by a declaration

Removal of *caveat*.

under his hand that the intended marriage is proper and may be solemnized; and a certified copy of such declaration shall be forwarded to the District Registrar or Marriage Officer, as the case may be, by whom the *caveat* was referred.

(2) On the removal of the *caveat*, the District Registrar or Marriage Officer, as the case may be, may issue his certificate in due course, and the marriage may proceed as if the *caveat* had not been entered, but the time which has lapsed between the entering and removal of the *caveat* shall not be computed in the period of six months specified in sections 14 and 17.

Solemnization of marriage.

Marriages
before
Marriage
Officer.

27. On the delivery of the certificate of a District Registrar, or in case the parties shall have given notice to the District Registrars of different districts then on the delivery of the certificate of each such District Registrar, or on the delivery of the certificate of a Marriage Officer, or in case the parties shall have given notice to different Marriage Officers then on the delivery of the certificate of each such Marriage Officer, or on the delivery of a licence from the Governor, to any Marriage Officer, it shall be lawful for such Marriage Officer to solemnize a marriage between the parties named in such certificate or certificates or licence, as the case may be:

Provided that such marriage shall be solemnized with open doors between the hours of six o'clock in the forenoon and six o'clock in the afternoon of the same day, and in the presence of two or more credible witnesses beside the said Marriage Officer.

Marriages
before
District
Registrar.

28. On the delivery of the certificate of a District Registrar, or in case the parties shall have given notice to the District Registrars of different districts then on the delivery of the certificate of each such District Registrar, or on the delivery of the certificate of a Marriage Officer, or in case the parties shall have given notice to different Marriage Officers then on the delivery of the certificate of each such Marriage Officer, or on the delivery of a licence from the Governor, to any District Registrar, the parties named in such certificate or certificates or licence, as the case may be, may, if they shall see fit, contract marriage at the office of such

District Registrar with open doors and in the presence of such District Registrar and two or more credible witnesses, and between the hours of ten o'clock in the forenoon and four o'clock in the afternoon of the same day:

Provided that each of the parties shall, in some part of the ceremony, and in the presence of such District Registrar and witnesses, make the following declaration:—"I do solemnly declare that I know not of any lawful impediment why I, A. B., should not be joined in matrimony to C. D. here present"; and 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)." Such District Registrar shall be entitled for every marriage so contracted in his presence to receive from the parties a sum of \$2.40.

29. Whenever a marriage shall not take place within six months after the entry of notice thereof or after the granting of a licence from the Governor under section 18 of this Ordinance, the notice or licence, as the case may be, and all other proceedings shall thereupon be utterly void, and no Marriage Officer shall proceed to solemnize the marriage, nor shall the marriage be contracted before a District Registrar, until new notice has been given and entry made and certificate issued or a new licence has been granted in the manner aforesaid.

Notices and licences void unless marriage takes place within six months.

30. Where any party to a marriage shall commonly use any other language than English, then the forms and declarations hereby required to be used in the ceremony shall be made in such other language, so always that the words used shall express the true intent and meaning of such forms and declarations.

Use of other than English language.

31. After any marriage shall have been solemnized or contracted in the manner in this Ordinance provided, it shall not be necessary in support of such marriage to give any proof of the actual dwelling or of the period of dwelling of either of the parties in the district mentioned in a notice of marriage previous to the giving of such notice, nor of the consent of any person whose consent thereunto is required by law, nor shall any evidence be given to prove the contrary.

Proof of certain matters not required after marriage. Ord. 24-1943, s. 2.

When
Marriage
Officer not
compellable
to marry.

32. (1) No Marriage Officer shall be compellable to accept notice of marriage from, or to enter or publish the banns of, or to issue a Marriage Officer's certificate to, or to solemnize marriage between, persons either of whom shall not be a member of his own communion, nor otherwise than according to the rules or custom of such communion, nor unless he shall be satisfied by the declaration of the parties or otherwise that the proposed marriage is consistent with such rules or custom.

(2) No minister of the Christian religion shall be compelled to publish the banns of marriage or to solemnize the marriage of any person whose former marriage shall have been dissolved by a judicial decree, where the other party to such former marriage is still living, nor shall any such minister be compelled to permit the use of any church or chapel under his control for publishing any such banns or solemnizing the marriage of any such person, nor shall any such minister be liable to any suit, proceeding or penalty for refusing to publish any such banns or for refusing to solemnize any such marriage or for refusing to permit the use of any such church or chapel for any such purposes aforesaid.

(3) No minister of the Christian religion shall be liable to any suits, proceedings or penalties for publishing any such banns or solemnizing the marriage of any such person aforesaid or for permitting the use of any such church or chapel for any of the purposes aforesaid:

Provided that nothing in this section shall relieve any such minister from any ecclesiastical proceeding or censure to which by reason of his publishing any such banns or solemnizing any such marriage or permitting the use of any such church or chapel for any of the purposes aforesaid he is or from time to time hereafter may be liable according to the doctrine, practice, usage or rules of any such religion.

Registration of marriage.

Marriage to
be entered
in register
and dupli-
cate sent to
Registrar.
Schedule I.

33. (1) Immediately after the solemnization or contracting of any marriage, the officiating Marriage Officer or the District Registrar, as the case may be, shall enter in a book to be called the "Marriage Register Book" a statement of the said marriage in the form given in Schedule I

hereto, which entry shall be signed by such Marriage Officer or District Registrar, as the case may be, and by the parties to the marriage and by two credible witnesses of the said marriage, and every such Marriage Officer and every District Registrar (not being the Registrar of Marriages) shall forthwith transmit to the Registrar of Marriages a duplicate of such statement similarly signed, and all such duplicate statements shall be filed by the Registrar of Marriages and preserved among the records of his office.

(2) Every Marriage Officer or District Registrar who, without reasonable cause or excuse, shall fail to transmit to the Registrar of Marriages any statement in accordance with the provisions of this section shall be liable, on summary conviction, for every such offence, to a fine of forty-eight dollars.

34. It shall be lawful for all persons at all reasonable times to search the entries in any Marriage Register Book or any file of statements as aforesaid kept by the Registrar or any District Registrar or any Marriage Officer, and to have true copies, certified under the hand of such Registrar, District Registrar, or Marriage Officer, of any such entries or statements:

Searches and certified copies.

Provided that, before allowing any such search or furnishing any such certified copy, the Registrar, District Registrar, or Marriage Officer, as the case may be, shall be entitled to demand the following fees, that is to say:—

For every search	48 cents.
For every certified copy as aforesaid	48 cents.

Void marriages.

35. (1) If any person shall knowingly and wilfully intermarry under the provisions of this Ordinance, without due notice given in accordance with section 12 or section 15 or without a certificate under sections 14 or 17 having been duly issued, or without a licence issued under this Ordinance, the marriage of such persons shall be null and void.

Void marriages.
Ord. 24-1943,
s. 2.

(2) If any persons to any marriage are within the prohibited degrees of consanguinity or affinity according

to the law of England from time to time in force, the marriage of such persons shall be null and void.

Offences.

Forging or altering register book, notice, etc. Making false entries, giving false certificates.

36. Every person who shall knowingly and wilfully forge or alter or falsely make, or procure to be forged or altered or falsely made, or shall offer, utter, or dispose of, knowing the same to have been forged or altered or falsely made, any register book or any notice, licence, certificate, entry, or statement mentioned in this Ordinance, or any certified copy thereof respectively, or shall wilfully insert or cause to be inserted in any register book or certified copy thereof any false entry or marriage, or shall wilfully give any false certificate, or shall certify any writing to be a copy or extract of any register book, knowing the same to be false in any part thereof, or shall forge or counterfeit the seal of the Registrar General, shall be guilty of felony and, on conviction on indictment, shall be liable to imprisonment for seven years.

Forging seal.

Destroying or injuring register book, etc.

37. Every person who shall unlawfully and maliciously destroy or injure or cause to be destroyed or injured, any register book or any notice, licence, certificate, entry, or statement mentioned in this Ordinance, or any certified copy thereof respectively, shall be guilty of felony, and, on conviction on indictment, shall be liable to imprisonment for three years.

Losing or injuring document.

38. Every person having the custody of any 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 be liable to a fine of two hundred and forty dollars for every such offence.

Issuing of certificate to person within prohibited degrees.
Ord. 24-1943,
s. 3.

39. Every District Registrar or Marriage Officer who shall knowingly and wilfully issue any certificate for the marriage of any persons being within the prohibited degrees of consanguinity or affinity according to the law of England from time to time in force shall be guilty of felony, and, on conviction on indictment, shall be liable to imprisonment for three years.

40. Any minister of religion who shall knowingly and wilfully solemnize any marriage without being licensed as a Marriage Officer under the provisions of this Ordinance, and any Marriage Officer or District Registrar who shall solemnize any marriage or allow any marriage to be contracted in his presence before the issue of a certificate or granting of a licence from the Governor, or after the expiration of six months from the entry of notice or granting of such licence, or who shall knowingly and wilfully issue any certificate of marriage except within the period allowed by this Ordinance for issuing the same, or any certificate against the issue of which a *caveat* has been entered until such *caveat* has been duly removed in the manner hereinbefore provided, shall be guilty of felony, and, on conviction on indictment, shall be liable to imprisonment for three years.

Offences by
Marriage
Officers and
District
Registrars.

Marriages in extremis.

41. (1) Notwithstanding anything in this Ordinance contained, it shall be lawful for any Marriage Officer to perform the ceremony of marriage between any persons, without notice given of the intended marriage of such persons, or without a certificate duly issued, or before the issue of such certificate, or after the expiration of six months from the entry of notice of such marriage, provided that both the parties between whom such ceremony of marriage shall be performed shall, at the time of the performance thereof, be legally competent to contract marriage and be of full age, and provided also that one at least of them, to the best of the knowledge and belief of such Marriage Officer and of the other persons signing the certificate hereinafter required, shall be, at the time of the performance of such ceremony, in a dying state, and that such dying person shall be a member of the religious communion or denomination to which such Marriage Officer shall belong.

Marriages
in extremis.

(2) Immediately after the solemnization of any such marriage, the officiating Marriage Officer shall transmit to the Registrar of Marriages a certificate of the said marriage in the form given in Schedule J hereto, signed by such Marriage Officer and by two credible witnesses present at the said marriage. Such statement shall be filed by the Registrar in a register to be specially kept for the purpose.

Schedule J.

(3) Subject to the observance of the foregoing conditions, a marriage solemnized under the provisions of this section shall be and be held to be good and effectual in law.

(4) No marriage solemnized under the provisions of this section shall operate as a revocation of any will.

Miscellaneous.

Forfeiture
of property
acquired by
marriage
had by
fraudulent
means.

42. If any valid marriage shall be had under the provisions of this Ordinance by means of any wilfully false notice, oath, or declaration made by either party to such marriage as to any matter as to which a notice, oath, or declaration is herein required, it shall be lawful for the Attorney General, by information on the relation of a parent or guardian of a minor whose consent has not been given to such marriage, and who shall be responsible for any costs incurred in such suit, such parent or guardian previously making oath or affirmation as is hereinafter required, to sue for a forfeiture of all estate or interest in any property accruing to the offending party by such marriage, and the Supreme Court shall have power in such suit to declare such forfeiture and thereupon direct that all such estate and interest, or any such part thereof as to the Court shall seem fit, shall be secured, in such manner as to the Court shall seem fit, for the benefit of the innocent party, and the issue of the marriage or any of them, or if both parties to the said marriage shall, in the judgment of the Court, be guilty of any such offence as aforesaid then for the benefit of the issue of the said marriage, subject to such provisions for the offending parties by way of maintenance or otherwise as the said Court shall think reasonable: Provided that no such suit as aforesaid shall be instituted unless it shall have been first made out to the satisfaction of the Attorney General by the oath of some person whose consent was required by law to the said marriage or by his or her solemn affirmation made in lieu of an oath, that the circumstances of the case are such as to authorise the institution of such proceedings, and that the consent required by law for such marriage had not been obtained, and that the person making such oath or affirmation had not discovered that the said marriage had been contracted more than six months before making such oath or affirmation.

43. No prosecution for any felony under this Ordinance shall be commenced after the expiration of three years after the offence has been committed, nor without the written consent of the Attorney General. Limitation.

44. All pecuniary penalties under this Ordinance recoverable on summary conviction, may be recovered on complaint in the name of any person authorised in that behalf by writing under the hand of the Attorney General, at any time not more than twelve months after such offence has been committed. Recovery of penalties.

45. All fees received by the Registrar or District Registrars or the Colonial Secretary under this Ordinance shall be paid into the Treasury for the use of the Colony. Fees payable into the Treasury.

46. All certified copies of entries purporting to be sealed or stamped with the seal of the Registrar General shall be received as evidence of the marriages to which the same relate without any further or other proof of such entry and no certified copy purporting to be given in the office of the Registrar of Marriages shall be of any force or effect which is not sealed or stamped as aforesaid. Evidence.

47. The Registrar General shall send, once in every year, to the Governor a general abstract of the number of marriages registered during the twelve months ending on the last day of December then immediately preceding, in such form as the Governor from time to time shall require; and every such annual general abstract shall be laid before the Legislative Council at its next meeting after the receipt thereof. Annual abstract.

48. No marriage solemnized or contracted under this Ordinance, other than a marriage heretofore adjudged to be void by a court of competent jurisdiction, shall be, or be deemed to have been, invalid by reason only that a licence issued under section 19 prior to the 12th of August 1943, was issued less than two clear days after application therefor had been made or that a District Registrar's certificate was issued in compliance with such licence less Validation.
Ord. 24-1943,
s. 4.

than seven days after the time of entry of notice of marriage given to such District Registrar under section 12 by one of the parties to the marriage.

SCHEDULES.

{Section 6.)

SCHEDULE A.

Licence to be a Marriage Officer.

A.B. being a Minister of Religion of (a) residing at and officiating at (b) (c) is hereby licensed as a Marriage Officer for the purposes of the Marriage Ordinance.

Governor.

- (a) State religious denomination.
 (b) State place of public worship in which applicant acts as minister (if any).
 (c) State city, borough, town, or ward where place of worship is situated.

{Section 12.)

SCHEDULE B.

FORM 1.

(Applicable to the case of parties residing in different districts or giving separate notices.)

Notice to District Registrar.

To the District Registrar of the district of

I [here insert the name of the person giving notice] give you notice that a Marriage is intended to be had between me and the other party herein named and described, that is to say:—

Name and Surname.	Condition.	Calling.	Age.	Dwelling-place.	Length of residence.

And I give this notice with the assent of the other party herein named and described.

And I solemnly declare that I have for seven days, immediately preceding the date of this notice, had my usual place of abode within the above-mentioned district

of _____ and that I believe there is no impediment of kindred or alliance or other lawful hindrance to the said Marriage.

*And I solemnly declare that I have the consent of all whose consent is necessary for my marriage, namely:—[Here state names and authority of all whose consent is necessary.]

In witness whereof I have hereunto set and subscribed my hand this _____ day of _____, 19____.

Signature.

*To form part of the declaration when the party is under 21 years of age and is not a widower or widow, otherwise to be deleted.

FORM 2.

(Applicable to the case of parties residing in the same district and giving a single notice.)

Notice to District Registrar.

To the District Registrar of the district of _____

We _____ [here insert the names of the persons giving notice] give you notice that a Marriage is intended to be had between us, the parties herein named and described, that is to say:—

Name and Surname.	Conditions.	Calling.	Age.	Dwelling-place.	Length of residence.

And we solemnly declare that we have for seven days immediately preceding the date of this notice had our usual place of abode and residence within the above mentioned district of _____, and that we believe there is no impediment of kindred or alliance or other lawful hindrance to the said Marriage.

*And we solemnly declare that we each have the consent of all whose consent is necessary for our marriage, namely:—[Here state names and authority of all whose consent is necessary.]

In witness whereof we have hereunto set and subscribed our hands this _____ day of _____, 19____.

(Signatures.)

*To form part of the declaration when either of the parties is under 21 years of age and not a widower or widow, otherwise to be deleted.

(Section 14.)

SCHEDULE C.

Registrar's Certificate.

I, _____ District Registrar of Marriages for _____ do hereby certify that on the _____ day of _____, 19____, notice was duly entered in the Marriage Notice Book of the said District, of the marriage intended between the parties hereunder named and described.

Name and Surname (if any) at full length.	Condition.	Profession.	Age.	Dwelling-place.	Length of Residence.	Consent, if any, by whom given.

Date of Notice entered _____ day of _____, 19____.

Date of Certificate given _____ day of _____, 19____.

No *caveat* has been entered against the issue of this certificate
or [as the case may be]

A *caveat* was entered against the issue of this certificate on the _____ day of _____, 19____, but was removed on the _____ day of _____, 19____, by the Chief Justice.

Witness my hand this _____ day of _____, 19____.

(Signed)

Registrar for District of _____

N.B.—This certificate will be void unless the marriage is solemnized on or before the _____ day of _____, 19____, next.

SCHEDULE D.

(Section 15.)

FORM 1.

(Applicable to the case of parties belonging to different congregations or giving separate notices.)

Notice for Banns.

To *Minister of* *Church [or Chapel] in the District* of
and a *Marriage Officer.*

I *[here insert the name of the person giving notice]* being a member of the congregation of the said Church *[or Chapel]* give you notice that a Marriage is intended between me and the other party herein named and described, and that I desire you to publish the banns of such Marriage on two Sundays beginning with Sunday the day of , 19 , next.

Name and Surname.	Condition.	Calling.	Age.	Dwelling-place.

And I give this notice with the assent of the other party herein named and described.

And I solemnly declare that I believe there is no impediment of kindred or alliance or other lawful hindrance to the said Marriage.

And I solemnly [declare that I have the consent of all whose consent is necessary for my marriage, namely:—[Here state names and authority of all whose consent is necessary.]*

In witness whereof I have hereunto set and subscribed my hand this day of , 19 .

(Signature.)

*To form part of the declaration when the party is under 21 years of age and is not a widower or widow, otherwise to be deleted.

FORM 2.

(Applicable to the case of parties belonging to the same congregation and giving a single notice.)

Notice for Banns.

To *Minister of* *Church [or Chapel] in* *the District of*
and a *Marriage Officer.*

We *[here insert the names of the persons giving notice]*, being members of the congregation of the said Church *[or Chapel]* give you notice that a Marriage is intended between us, the parties herein named and described, and that we desire you to publish the banns of such Marriage in your Church *[or Chapel]* on two Sundays beginning with Sunday the *day of* *19*, next.

Name and Surname.	Condition.	Calling.	Age.	Dwelling-place.

And we solemnly declare that we believe there is no impediment of kindred or alliance or other lawful hindrance to the said Marriage.

And we solemnly declare that we each have the consent of all whose consent is necessary for our marriage, namely:—[Here state names and authority of all whose consent is necessary.]*

In witness whereof we have hereunto set and subscribed our hands this *day*
of *19*.

(Signatures.)

*To form part of the declaration when either of the parties is under 21 years of age and not a widower or widow, otherwise to be deleted.

(Section 15.)

SCHEDULE E.

Form of Words to be used in the Publication of Banns.

I publish the Banns of Marriage between *A.B.* of *[here state the parish as stated in the notice]* and *C.D.* of *[here state the parish as stated in the notice]*.

If any of you know any cause or just impediment why these two persons should not be joined together in holy matrimony ye are to declare it.

This is the first *[or second, as the case may be]* time of asking.

SCHEDULE F.

(Section 17.)

Marriage Officer's Certificate.

I, Minister of Church [or Chapel] in the District of and a Marriage Officer do hereby certify that on the day of , 19 , notice was duly entered in the Marriage Banns Book of the said Church [or Chapel] of the marriage intended between the parties hereunder named and described.

Name and Surname.	Condition.	Calling.	Age.	Dwelling-place.

Date of notice entered day of , 19 .

Date of certificate given day of , 19 .

No caveat has been entered against the issue of this certificate
or [as the case may be]

A caveat was entered against the issue of this certificate on the day of , 19 , but was removed on the day of , 19 , by the Chief Justice.

The Banns of Marriage have been published in the manner required by the Marriage Ordinance.

Witness my hand this day of , 19 .

(Signed)
Minister of Church [or Chapel]
in the District of and a
Marriage Officer.

N.B.—This certificate will be void unless the marriage is solemnized on or before the day of , 19 , next.

SCHEDULE G.

(Section 18.)

Governor's Licence.

To any District Registrar or Marriage Officer.

These are to Licence and Permit you to solemnize a marriage between A.B. [here give name, surname, condition, calling, and place of residence of A.B.] and C.D. [here give name, surname, condition, calling, and place of residence of C.D.] according to the provisions of the Marriage Ordinance, you knowing no lawful impediment to the contrary.

Given under my hand at this day of , 19 . (Signed).

N.B.—This Licence will be void unless the marriage is solemnized on or before the day of , 19 , next.

(Section 19.)

SCHEDULE G1.

Governor's Authority.

To the District Registrar of _____ district.

Whereas *A.B.* [here insert names, surname, profession, occupation and place of residence of *A.B.*] has given notice to the District Registrar of _____ district of his or her intended marriage with *C.D.* [here insert names, surname, profession, occupation and place of residence of *C.D.*], and whereas the said *C.D.* has not given notice of his or her intended marriage because he or she was not resident in the Colony, and whereas a period of not less than seven days and not more than five months has elapsed since the giving of notice as aforesaid, and whereas application has been made to the Colonial Secretary by the said *A.B.* for the grant of the Governor's authority under section 19 of the Marriage Ordinance:

I hereby authorise the District Registrar of _____ district to issue his certificate under section 14 of the said Ordinance in respect of the said *C.D.* as if he or she had duly given notice under section 12 of the said Ordinance jointly with the said *A.B.* and as if the said *C.D.* had resided in the _____ district during the seven days immediately preceding the giving of such notice.

Given under my hand at _____ this _____ day of _____, 19 _____.

(Signed)

Governor.

(Section 20.)

SCHEDULE H.

I, _____, do solemnly and sincerely declare that the statements made in my application hereto attached and marked A are true and correct.

I make this declaration conscientiously believing the same to be true and according to the Statutory Declarations Ordinance, and I am aware that if there is any statement in this declaration which is false in fact which I know or believe to be false or do not believe to be true I am liable to fine and imprisonment.

Declared before me this _____ day of _____, 19 _____.

Registrar of Marriages.

(Section 33.)

SCHEDULE I.

Marriage Register Book.

No.	When Married.	Names and Surnames of Parties.	Ages.	Condition.	Calling.	Residence at time of Marriage.	Place of Marriage.	Signature of Parties.	Signature of District Registrar or Marriage Officer and of the witnesses.

(Signed).

SCHEDULE J.

(Section 41.)

Marriage in Extremis.

I, the undersigned Marriage Officer of (1) and we, the undersigned of (2) and of (2) being of the age of twenty-one years and upwards do hereby certify that on the day of 19 , the Ceremony of Marriage was performed by me the said in the presence of us the said and between of (3) and of (4) and that both the said and at the time of the performance of such ceremony were legally competent to contract marriage, and were of full age, and that the said (5) was a member of the same religious communion or denomination to which the said (6) belongs, that is to say, the (7) ; and that at the time of the performance of such ceremony, the said (8) was, to the best of our knowledge and belief, in a dying state.

Signatures,

- (1) Residence.
- (2) Residence and Profession.
- (3) State whether bachelor or widower.
- (4) State whether spinster or widow.
- (5) Name of party in dying state.
- (6) Name of Marriage Officer.
- (7) Religious communion or denomination.
- (8) Name of party in dying state.