

ABSTRACT
OF
LEGAL PRELIMINARIES
TO
MARRIAGE
IN THE UNITED KINGDOM, IN INDIA,
AND IN
THE BRITISH DOMINIONS BEYOND THE
SEAS.

*(Appendix to the Registrar-General's 69th Annual
Report.)*

PREFATORY NOTE.

This document represents the first attempt yet made to give a clear and comprehensive digest of the legal preliminaries to marriage obtaining throughout the dominions of the British Crown.

The abstracts show—

- (1) The legislative enactments in force relating to the solemnization of marriage ;
- (2) the various authorities on which marriages may be solemnized ;
- (3) the persons by whom marriages may be solemnized ;
- (4) the procedure necessary for obtaining issue of the authority on which marriages may be solemnized.

Those relating to Scotland, Ireland, and the Isle of Man have been furnished by their respective Registrars-General.

The remaining abstracts have been drawn up by Mr. S. de Jastrzebski, of this Department, under my direction, and, with few exceptions, have been submitted to and confirmed by the authorities concerned.

For the material from which they have been compiled I am indebted to the Secretary of State for the Colonies and the various Colonial Registration and Legal Authorities, the Secretary of State for India and the Indian Government, and the Ecclesiastical and Registration Authorities for Jersey and Guernsey.

This publication will, I hope, prove of considerable use to all those persons throughout the British Empire to whom it falls to administer the laws and regulations relating to marriage.

WM. COSPATRICK DUNBAR,
Registrar-General for England and Wales.

General Register Office,
Somerset House, London, W.C.,
January, 1908.

GUERNSEY.

Canon Law and Order in Council, 3rd October, 1840.

Marriages in Guernsey may be by—

- (1) Banns ;
- (2) Ordinary Licence ;
- (3) Special Licence ;
- (4) Registrar's Certificate ; and
- (5) Registrar's Licence,

and may be solemnized as to 1, 2 and 3 by a Clergyman of the Established Church in a licensed church of the Church of England, (if by 3 in any place), and as to 4 and 5 before the Registrar of Marriages in a registered building or in the Register Office.

Banns as in England, but marriage must be within Canonical hours (8 a.m. to 12 noon).

Ordinary Licence is obtained from the Dean, who is Commissary of the Bishop of Winchester. A declaration on oath of no lawful impediment must be made, and 14 days' notice is required except in cases where the Commissary has adequate knowledge of the parties. This licence dispenses with banns only ; but there is a form of ordinary licence enabling the marriage to take place at any hour.

Special Licence is also issued by the Dean, and authorises the Clergyman to whom it is issued to perform the marriage in or out of hours and in or out of church.

The fees for the above are : Banns, 5s. ; Certificate of publication, 2s. 6d. ; Licence, 10s. 6d. ; Licence, with dispensation as to hours, £1 1s. ; Special Licence, £3 3s. ; Licence "where parties are strangers," £2 2s.

Registrar's Certificate.—Notice must be given by both parties to the Registrar of Marriages, setting forth the names, ages, conditions, professions, dwelling place and length of residence, and the name of the building in which the marriage is to take place. A declaration of no legal impediment is made. Seven days' residence is necessary before notice can be given, and this notice is posted on a board in the Registrar's Office for 21 days, after which the Certificate issues. Total cost, 10s. 1d.

Registrar's Licence.—Notice as in the case of Certificate must be given by one of the parties who must have resided in the island for seven days. The licence issues after seven days. Total cost 12s. 1d.

Where marriage takes place in a licensed place of worship the minister's fee is additional to the two last quoted amounts.

Minors under 20 years of age must obtain consent, and the person giving consent (father, mother, or guardian) must appear before the Registrar.

Where one party resides in England and Wales and one in Guernsey the same conditions as to notice and banns obtain as in Jersey (q. v.).

GIBRALTAR.

Ordinances 1 of 1861, and 7 of 1902.

Marriage may be by—

- (1) Licence or
- (2) "After 21 days' notice,"

and may be solemnized by a minister of a registered church* or building (Sec. 13) or before the Registrar of Marriages (Sec. 15). No residential qualification necessary.

Licence is under Section 7 granted by the Marriage Registrar, on the application of one of the parties who has to make a declaration of no legal impediment, and under Section 1 to give notice setting forth names and surnames, conditions, professions and addresses of the parties, and the place where the marriage is to be solemnized. Under Section 10 licence may issue after the expiration of 7 days after the day of entry of notice. The fees are £1.

After 21 Days' Notice.—Notice has to be given as for a licence and the certificate of notice may issue to registered church, or marriage may take place before the Registrar, after 21 days from the entry of such notice (Sec. 3). The fees are 1s.

Minors under 21 not being widows or widowers require consent.

Aliens must produce Consular Certificate that requirements of his or her country have been met (Sec. 2).

MALTA.

Marriages to which one of the parties is a Roman Catholic must be celebrated in accordance with the laws of the Council of Trent, according to which the celebration of the marriage is to be preceded by banns published on three Holy Days during High Mass in the Parish Church of the parish to which each of the contracting parties belongs.

Britishers, other than Maltese, usually apply to the Governor for a licence dispensing with the publication of the banns required by English law, and when such an application is made the Minister applying for it is required to certify that one of the parties to the marriage has resided in the Colony for a period of at least 15 days.

Nothing is known officially of any preliminaries to marriage in Malta between members of the Orthodox Greek Church or between Jews, Mohammedans, or other non-Christian creeds, but such marriages are registered in the Public Registry; it being provided by law that registration does not give validity to a marriage which, independently of such registration, is not valid according to existing laws and usages.

* The only registered churches are the Wesleyan and Presbyterian chapels. The Anglican, Roman Catholic, and Hebrew places of worship have not been registered and marriages are solemnized therein irrespective of the preliminaries prescribed by law and without the previous cognizance of the Registrar.

Both parties must belong to the same church as the person who grants the Special Licence, and the marriage may be solemnized at any hour and at any place in Ireland.

Licence.

(4) Licence for Marriage in a Roman Catholic Church can be obtained where both, or either, of the parties to the intended marriage are, or is, a Roman Catholic, from Licensers appointed by the Roman Catholic Bishops, the proceedings where both parties are Roman Catholics being regulated by the law of the Roman Catholic Church. Where one party only is a Roman Catholic notice is required to be given by one of the parties to the Licenser seven days before the Licence can issue, but no form of notice nor length of residence is prescribed for either party.

(5) Licence is obtainable, where one or both parties are Protestant Episcopalians, from Licensers appointed by Bishops of the Church of Ireland. The requirements as to residence are (a) one of the parties must have resided for seven days in the District of the person issuing the Licence, previous to service of Notice; and (b) one of the parties must have had his or her usual place of abode for fourteen days immediately before the grant of Licence within the District attached to the particular Church in which the marriage is to be solemnized. The fees for Licence amount to 6s.

(6) Where one, or both of the parties are Presbyterians, Licence can be obtained from a Presbyterian Licensing Minister. One of the parties must be a member of a congregation connected with the Presbytery for at least one calendar month preceding service of Notice, and one of the parties must for fifteen days immediately before the grant of Licence have had his or her usual place of abode within the Presbytery within which the marriage is to be solemnized. The fees to obtain the Licence amount to 6s.

(7) In order to obtain a licence from a Registrar of Marriages, either for marriage in his Office, or in a Registered building in his District, notice must be served upon him for Marriage by Licence.

The party giving notice is required to declare that there is no lawful impediment, that the parties have for one month preceding usually attended Divine Worship in the Building named in the notice, that one of them has resided for fifteen days in the district of the Registrar on whom notice is served, and, in the case of minors, that the necessary consent has been obtained. Where parties have not attended any place of worship the declaration should be altered, and the Registrar must cause a copy of the notice given to him to be published, at the expense of the parties intending marriage, once at least in two consecutive weeks next after he has received such notice, in some newspaper circulating in the district in which the marriage is intended, or if there is not any newspaper circulating in the district, then in some newspaper circulating in the county in which such district is situate.

In cases where both parties reside in the same district, a residence of fifteen days is necessary for one party and not less than

seven days for the other ; but if they reside in different districts, a residence of fifteen days in each is necessary at the time of the service of the notice.

On the eighth day from the day of entering the notice, a certificate may be issued by the Registrar, if the marriage has not been forbidden, or a Caveat entered against it.

Immediately before the grant of the licence the Registrar is to administer to the party who served notice, in addition to the declaration previously made an oath (or declaration if the party objects to take the oath) to the effect that there is not any lawful impediment, that one of the parties for fifteen days before the grant of licence has resided in the district in which the marriage is to be solemnized, and that the parties are both of full age, or, if not, that the necessary consent has been obtained.

If the parties reside in different districts a certificate must be obtained from the Registrar of the other district, and delivered to the Registrar of the District in which the marriage is to be solemnized, who thereupon issues his certificate and licence.

If the marriage is to take place in a registered building, the licence should be delivered to the parties for production to the officiating minister.

The cost of obtaining a Licence from a Registrar is about 9s.

Publication of Banns.

(8) The Publication of Banns in Churches of the Roman Catholic Church is entirely regulated by the law of that Church.

(9) Publication of Banns in Churches of the Church of Ireland is regulated by 33 & 34 Vict. cap. 110, Sec. 33, and the rules in force in Ireland in relation to the publishing of Banns in Parish Churches and Chapels of the United Churches of England and Ireland at the time of the Disestablishment. Where the parties reside in different Parishes Banns must be published in both Parishes. Both parties must be Protestant Episcopalians.

(10) Under 7 & 8 Vict. cap. 81, Sec. 5, Banns may be published in Certified Presbyterian Meeting Houses in Ireland. Both parties must be Presbyterians. Where the parties are members of different congregations Banns must be published in the Certified Presbyterian Meeting House frequented by each party.

Registrar's Certificate for Marriage without Licence.

(11) In the case of marriage by certificate, it is necessary that each party to the marriage should have resided within the district of the Registrar to whom the notice is given, for the space of seven days immediately preceding the giving of such notice.

A declaration similar to that for marriage by licence, except as to length of residence, should be made at the time of giving notice, by the party serving the notice.

On the twenty-second day from the day of entry of the notice, a certificate may be issued by the Registrar if the marriage has not been forbidden or a Caveat entered against it.

In cases of marriage by certificate, if the parties reside in different districts, a certificate must be obtained from the Registrar of each district.

If the marriage is to take place, on the authority of a Registrar's Certificate, in a registered building, in a place of worship duly licensed belonging to the Church of Ireland, in a Roman Catholic Chapel, in a meeting-house of the Society of Friends, or in a Jewish Synagogue, the certificate or certificates should be delivered to the parties and produced by them to the officiating minister, registering officer, or officer of the Synagogue, as the case may be.

The cost of obtaining a Registrar's Certificate for marriage without licence is about 4s.

Minors (other than illegitimates) under 21, not being widows or widowers, must obtain consent of father or legal guardian, except in the case of marriage by banns where a clergyman may solemnize the marriage provided he has not received notice of objection.

Jews and Quakers can, after notice as above, contract marriages according to the usages of their respective creeds by certificate. Members of the Society of Friends can also be married by Special Licence.

Provisions exist whereby marriage between parties one of whom resides in Ireland and the other in England or Wales, or in Scotland, may be contracted in Ireland by licence.

In cases of intended marriage in Ireland, where one of the parties resides in England, the Registrar can only receive notice for marriage by licence. The party resident in England should serve notice on the Superintendent Registrar of the district in which he or she resides, and obtain his certificate for marriage by licence, which cannot legally be issued until after the expiration of seven days next after the day of the entry of notice.

After the expiration of seven days from the issuing of such certificate, it may be produced to the Registrar in Ireland, who may then issue his certificate and grant a licence for marriage.

In cases of intended marriage in Ireland, where one of the parties resides in Scotland, the Registrar can only receive notice for marriage by licence. The party resident in Scotland should procure from the minister of the congregation with which he or she has been in connexion for a month at least preceding, a certificate that banns of the intended marriage have been published in that congregation on three different Sundays. From and after the expiration of seven days from the granting of such certificate, its production to the Registrar in Ireland will authorise him to issue his certificate and grant licence for marriage.

ISLE OF MAN.

"THE MARRIAGE ACT, 1849," "THE DISSENTERS' MARRIAGE ACTS, 1849 AND 1885," and "THE MARRIAGE LAW AMENDMENT ACT, 1895."

Marriages in the Isle of Man may be by—

- (1) Banns ;
- (2) Surrogate's or Common Licence ;
- (3) Special Licence ;
- (4) Certificate or Licence of Registrar of Marriages ;

and may be solemnized as to 1, 2, and 3 in a Licensed Church of the Church of England by a Clergyman of the Established Church (if by 3 in any place), and as to 4 by and before a Registrar of Marriages in the District Registrar's (Register) Office.

MARRIAGES IN THE ESTABLISHED CHURCH OF ENGLAND.

Banns ("The Marriage Act, 1849" and "The Marriage Law Amendment Act, 1895").—Banns must be "published in an audible manner in the parish Church in which Banns may be lawfully published, of, or belonging to, such parish wherein the persons to be married shall dwell . . . upon three Sundays preceding the solemnization of Marriage." If the parties reside in different parishes publication must be made in both. No previous residence appears to be necessary, but the Clergyman may demand seven days' notice, with particulars as to names, residence and duration of residence of the parties, before he publishes the banns. The marriage must be solemnized in the church (or one of them if the parties reside in different parishes) in which the banns are published.

Surrogate's or Common Licence (same Acts).—Surrogate's or Common Licence may be obtained in the Diocese from the Surrogates or from the Vicar-General. A Declaration in writing has to be made by one of the contracting parties that (1) there is no lawful impediment, (2) one of the parties has for 15 days immediately preceding had his (or her) place of abode within the parish in which such marriage is to be solemnized. The cost of a Common Licence is 7s. 6d. The place of marriage is stated in the Licence.

Special Licence.—Special Licence is granted only by the Bishop of the Diocese under the Act of 1849, Section 12. The same form of Declaration is required as in the case of a Common Licence, but it dispenses with any fixed period of residence and authorises marriage by a Clergyman of the Church of England at any convenient time and place, but the Bishop will only issue a Special Licence for a marriage to take place in some church duly licensed for marriages, except in very extreme cases such as illness, &c. The cost of a Special Licence is £6 6s.

MARRIAGE IN DISSENTING PLACES OF WORSHIP.

"The Dissenters' Marriage Acts," 1849 to 1895.

Registrar's Certificate for Marriage without Licence.—Notice must be given by one of the parties to the Registrar of Marriages or to his Deputy acting in and for the Registration District in which the marriage is to take place, setting forth the names and surnames, conditions, rank or profession, ages, dwelling place and length of residence of the parties, and also the name of the church or building in which the marriage is to take place. A declaration that no legal impediment or any other lawful cause exists is added to the notice. If the parties reside in different districts, notice must be given in each. Fifteen days' residence in the district of both parties is necessary before notice can be given, or if the parties reside in different districts, fifteen days' previous residence is required of either party in each district. The Certificate issues after twenty-one clear days from the date of entry of notice by the Registrar. Fee for entry of notice (1s.) and certificate (1s.) Total fees to Registrar 2s., or, when the parties reside in different districts, 4s.

Registrar's Certificate for Marriage by Licence.—Notice must be given by one of the parties as above, but if the parties reside in different districts only one notice is needed and *one* of the parties must have resided for fifteen days in the district in which the marriage is to take place previous to giving notice to the Registrar of the District in which the marriage is to take place. The Certificate issues after the expiry of three clear days after the entry of notice. Fee for entry of notice 1s., certificate 1s., licence 7s. 6d. Total fees to Registrar 9s. 6d.

The foregoing applies to marriages in the Registrar's office. Fees the same as herein-before mentioned with the addition of 2s. 6d. marriage fee.

Note.—In case there be no Registered Building licensed for the solemnization of marriages, in which marriage is celebrated according to the forms of the religious body to which the party desirous of contracting such marriage professes to belong, in the district where such party resides it shall and may be lawful to celebrate such marriage in the nearest Registered Building so licensed as aforesaid.

Notice of marriage holds good for three months from the date of the entry of notice.

Notice for Marriage in the British Islands or Channel Islands.—A Registrar cannot accept notice for a marriage to take place in England, Wales, Scotland, or Ireland, or in any of the Channel Islands, notwithstanding that one of the parties may be resident in the Isle of Man ; nor is any certificate or licence for a marriage which is issued by the Authorities in England, Wales, Scotland, Ireland, or in any of the Channel Islands, available for the celebration of a marriage after Civil Preliminaries in the Isle of Man.

JERSEY.

Canon Law and Statute of 1st November, 1841.

Marriages in Jersey may be by—

- (1) Banns ;
- (2) Ordinary Licence from the Dean ;
- (3) Special Licence from the Dean ;
- (4) Superintendent Registrar's Certificate ; and
- (5) Superintendent Registrar's Licence,

and may be solemnized as to 1, 2, and 3 by a Clergyman of the Church of England in a church or chapel of the Church of England (if by 3 "in any place"); as to 4 and 5 in a church, chapel, or licensed building in presence of the Registrar of the District, or at the office of the Superintendent Registrar.

Jews and Quakers can, after notice referred to below, contract marriage according to the usages of their respective Creeds by Certificate or Licence.

Banns must be published as prescribed by the Book of Common Prayer, and marriage must be within Canonical hours (*viz.*, 8 a.m. to 12 noon).

Licence is obtained from the Dean, and dispenses with the publication of Banns only.

Special Licence is also issued by the Dean, and authorises the Clergyman to whom it is issued to celebrate the marriage in or out of Canonical hours, and in whatever place in his parish he may think fit.

Superintendent Registrar's Certificate.—Notice must be given by one of the parties to the Superintendent Registrar, stating the names, conditions, professions, ages, dwelling place and length of residence of the parties, and the name of the church, chapel, or building in which the marriage is to take place. A declaration of no legal impediment must also be made. Seven days' residence is necessary before Notice can be given. This Notice must be posted up in the Superintendent Registrar's Office for 21 days before the issue of the Certificate. Cost of marriage in Superintendent Registrar's Office, 12s.

Superintendent Registrar's Licence.—Notice must be given as above, but the marriage may take place 8 days after the giving of Notice. Cost of marriage in Superintendent Registrar's Office, £1 1s.

Minors under 20 must obtain consent of father or legal guardian.

No civil provision exists for notice of a marriage to be given either in Jersey or in England and Wales by parties residing one in each country ; but the due publication of banns is reciprocally received in Jersey and in the United Kingdom, *i.e.*, where one party resides in Jersey and the other in the United Kingdom the marriage, after banns, may take place either in the parish church of the party residing in Jersey or in that of the party residing in the United Kingdom, at their option.

EUROPE.

UNITED KINGDOM.

England and Wales.

The principal Acts relating to the solemnization of marriages are 25 Hen. VIII. cap. 21 ; 4 Geo. IV. cap. 76 ; 6 and 7 Will. IV. cap. 85 ; 7 Will. IV. and 1 Vict. cap. 22 ; 3 and 4 Vict. cap. 72 ; 19 and 20 Vict. cap. 119 ; 49 and 50 Vict. cap. 3 ; 49 and 50 Vict. cap. 14 ; 61 and 62 Vict. cap. 58 ; and 62 and 63 Vict. cap. 27.

Marriages in England and Wales may be by—

- (1) Banns ;
- (2) Surrogate's or Common Licence ;
- (3) Special Licence ;
- (4) Superintendent Registrar's Certificate ; and
- (5) Superintendent Registrar's Licence.

Under the above heads (1), (2) and (3) marriages may be solemnized by a Clergyman of the Established Church of England in a licensed Church or Chapel of the Church of England, or, if by Special Licence, in any place and at any time.

Under head (4) they may, as in cases (1) and (2), be solemnized by a Clergyman of the Established Church of England subject to his being willing to accept the Certificate in lieu of Banns ; and under (4) and (5) by or before a Registrar of Marriages in a building of Roman Catholic or other denomination duly registered by the Registrar-General ; before a Registrar of Marriages and a Superintendent Registrar in the District Register Office ; or before a person authorised under the Act of 61 and 62 Vict. cap. 58.

Jews and Quakers, who, in respect of the place of marriage, are treated exceptionally by the Statutes, can, after the usual Statutory Notice referred to below, contract marriages according to the usages of their respective creeds by Certificate or Licence.

Banns must, in terms of Section 2 of 4 Geo. IV. cap. 76, be "published in an audible manner in the parish church or in some public chapel, in which chapel banns may now or may hereafter be lawfully published, of or belonging to such parish or Chapelry wherein the parties to the marriage shall dwell . . . upon three Sundays preceding the solemnization of marriage," and "whenever it shall happen that the persons to be married shall dwell in divers parishes or Chapelries, the banns shall in like manner be published in the church or in any such chapel as aforesaid belonging to such parish or Chapelry wherein each of the said persons shall dwell," and "in all cases where banns shall have been published the marriage shall be solemnized in one of the parish churches or

chapels where such banns shall have been published, and in no other place whatsoever." No previous residence is prescribed, but by Section 7 the Clergyman may demand of the parties seven days before publication of banns "a notice in writing dated on the day on which the same shall be so delivered, of their true Christian names and surnames, and of the house or houses of their respective abodes within such parish or Chapelry aforesaid, and of the time during which they have dwelt, inhabited, or lodged in such house or houses respectively."

Surrogate's or Common Licence, in terms of the foregoing Act may be obtained in each diocese from the Chancellor and Surrogates, or in the case of the Archbishops of Canterbury and York, from their Vicars-General. Under Section 10 an affidavit has to be made by one of the contracting parties that one of the parties has, for 15 days immediately preceding had his (or her) usual place of abode within the parish or Chapelry, and under Section 14 that there is no lawful impediment. The place of marriage is stated in the licence; and the cost of such a licence is between £2 and £3.

Special Licence is granted only by the Archbishop of Canterbury under the Act 25 Hen. VIII. cap. 21. The same form of affidavit is required as in the case of a Surrogate's or Common Licence, but the Special Licence dispenses with any fixed period of residence and authorises marriage by a Clergyman of the Church of England at any hour and in any place. The cost of such a licence is about £30.

Superintendent Registrar's Certificate.—The Acts dealing with Certificates are 6 and 7 Will. IV. cap. 85; 7 Will. IV. and 1 Vict. cap. 22; 3 and 4 Vict. cap. 72; 19 and 20 Vict. cap. 119; 61 and 62 Vict. cap. 58.

Under these Acts notice must be given by one of the parties to the Superintendent Registrar or to a Registrar of Marriages or a Registrar of Births and Deaths, or to their respective Deputies acting in and for the Registration District in which the applicant resides, setting forth the name and surname, condition, rank or profession, age, dwelling place and length of residence of each of the parties, and also the name of the church or building in which the marriage is to take place. Seven days' residence is necessary before notice can be given. This notice must be displayed for 21 clear days on a board either "in the Register Office proper or in some part of the Superintendent Registrar's Offices to which the public have free access." The certificate issues after 21 clear days from the date of entry of notice by the Superintendent Registrar. A declaration that no legal impediment exists is added to the notice; and if the parties reside in different districts, notice must be given in each. The fee for entry of notice and certificate if in one district is two shillings, but if in two, four shillings. In addition, the cost of marriage in the presence of a Registrar of Marriages is five shillings.

There is no Statutory provision as to fees in the case of marriages where the presence of a Registrar is not by law required. The fees are, therefore, a matter of arrangement

between the parties and the person who officiates at the marriage. This applies also to Licences dealt with in the next paragraph.

Superintendent Registrar's Licence.—Under the Acts mentioned in the foregoing paragraph notice must be given by one of the parties as above, but if the parties reside in different districts only one notice is needed and *one* of the parties must have resided for 15 days in the district in which notice is given. The Certificate issues after the expiry of one clear day (Sundays, Good Friday, and Christmas Day are not reckoned as days in the case of marriage by licence) after the entry of notice. The fee for entry of notice, Certificate and Licence (including stamp duty) is £2 2s. In addition the cost of marriage solemnized in the presence of a Registrar of Marriages is ten shillings.

The Act 3 and 4 Vict. cap. 72 provides that persons may be married outside their district or districts of residence when there is not within the district in which one or other of the parties resides any registered building in which marriage is solemnized according to the Rite, Form, or Ceremony which the parties desire to adopt; and Section 14 of 19 and 20 Vict. provides for marriage in the *usual place of worship* of either of them if outside the district of residence but within two miles of its boundary.

The hours for the solemnization of marriage are between 8 a.m. and 3 p.m., except in the case of a marriage under Special Licence which can be celebrated at any hour.

Minors (other than illegitimates) under 21 not being widows or widowers must obtain consent of father or legal guardian, except in the case of marriage by banns where a clergyman may solemnize the marriage provided he has not received notice of objection. Any person whose consent to the marriage of a minor is required by law may forbid the issue of the Certificate for Marriage, whether the marriage is intended to be by Certificate or Licence.

On payment of five shillings any person may enter a Caveat against the issue of a certificate or licence for a marriage.

When marriage shall not have been solemnized within three months after the notice, notice is void.

Provisions exist whereby marriage by civil preliminaries between parties one of whom resides in England or Wales and the other in Scotland or Ireland may be solemnized in England or Wales by *certificate*. In such a case a party resident in Scotland must produce to the Registrar of Marriages or Authorised Person in England a Certificate of Proclamation of Banns in accordance with Section 8 of 19 and 20 Vict. cap. 119. As regards the party resident in Ireland the Certificate of Notice by a District Registrar of Marriages there must be similarly produced under Section 7 of the same Act.

For marriages in a church or chapel of the Church of England in England or Wales, when one of the parties resides in Scotland, facilities for marriage by Banns or Licence are given by the Act 49 and 50 Vict. cap. 3; whereas when one party resides in Ireland the Act 62 and 63 Vict. cap. 27 applies.

Scotland.

Acts 4 and 5 Will. IV. cap. 28; 17 and 18 Vict. cap. 80; 19 and 20 Vict. cap. 96; 23 and 24 Vict. cap. 85; 41 and 42 Vict. cap. 43; Act of the General Assembly of the Church of Scotland of 28th May, 1880.

Marriage should be preceded by Proclamation of Banns or Publication of Notice as follows:—

1. Proclamation of Banns.—A notice with names and designations of the intending spouses is furnished to the Session Clerk of the parish or parishes of both intending spouses. This notice is read aloud in the Parish Church during the public service by the Minister or Precentor. If the man and woman reside in different parishes proclamation must be made in both. The proclamation must be made on two separate Sundays before the marriage or, in certain special cases, on one Sunday. A certificate to that effect is given to the parties by the Session Clerk and must be produced to the Minister at the solemnization of the marriage; or

2. If they prefer it the parties may intimate the intended marriage to the Registrar of Births, Deaths, and Marriages for the Parish or District in which each has resided for not less than fifteen days. A notice of this is posted by him in a conspicuous place at his office. It must remain there seven days. The Registrar then issues a Certificate to the parties. The Certificate is valid only for three months.

For proclamation of banns residence in the parish for fifteen days immediately preceding such proclamation is required. The same period of residence is required previous to publication of notice by the Registrar.

The Act of the General Assembly of the Church of Scotland on Proclamation of Banns, above referred to, recognises that exceptions may be allowed in the case of soldiers and sailors, or where one of the parties has been resident out of Scotland, and is understood to leave the Minister a discretion to deal with such exceptional cases as the circumstances seem to him to require. In the case where one of the parties resides in Scotland and the other in England or Wales, the officiating Minister in Scotland may, in the opinion of the Law Officers of the Crown, marry the couple on production of a Certificate of Proclamation of Banns in Scotland as regards one party and a Certificate of Publication of Banns in England or Wales as regards the other party.

The fee for proclamation of banns is two shillings and sixpence. For publication of notice by a Registrar one shilling and sixpence at the time of giving the notice, and one shilling for the certificate of publication.

The Law of Scotland recognises—

1. *Regular Marriages.*—These must be celebrated by a Minister of Religion before two witnesses after due proclamation of banns or after the statutory notice to the Registrar has been given as explained above. If the formalities required by the law of Scotland as to due proclamation of banns or statutory notice to the Registrar after the preceding necessary residence in Scotland have

been observed and the marriage celebration by a Minister of Religion follows, then a Regular Marriage has been constituted.

2. *Irregular Marriages.*—These are marriages contracted without previous proclamation of banns or publication of notice by a Registrar, or without a religious ceremony. All that is necessary is that matrimonial consent is interchanged, but no irregular marriage contracted in Scotland by declaration, acknowledgment or ceremony, is valid unless one of the parties had at the date thereof his or her usual place of residence there or had lived in Scotland for twenty-one days next preceding such marriage. With regard to the registration of irregular marriages, the provision of the law is as follows:—If within three months after an irregular marriage has been contracted the parties present a joint application for a warrant to register such marriage to the Sheriff or Sheriff Substitute of the County where the marriage was contracted, and prove to his satisfaction that they have been married to one another, and that one of them had lived in Scotland for twenty-one days next preceding the marriage, or had his or her usual residence in Scotland at the date thereof, the Sheriff or Sheriff Substitute shall certify the same under his hand, and shall grant warrant to the Registrar of the Parish or Burgh in which the marriage was contracted, who shall forthwith enter the marriage in the Register of Marriages kept by him.

Ireland.

Marriage Acts.

51	Geo. III., cap. 37	(Lunatics Bill, 1811).
5 & 6	Wm. IV., "	54 (Prohibited Degrees of Affinity, 1835).
5 & 6	Vict. "	113 (Marriages Confirmation Act, 1842).
6 & 7	" "	39 (Marriages Confirmation Act, 1843).
7 & 8	" "	81 (Marriages (Ireland) Act, 1844).
9 & 10	" "	72 (Marriages (Ireland) Act, 1846).
19 & 20	" "	119 Sec. 7 (Marriages and Registration Act, 1856).
23	" "	18 (Society of Friends, 1860).
26	" "	27 (Marriage Law (Ireland) Amendment Act, 1863).
26 & 27	" "	90 (Registration of Marriages (Ireland) Act, 1863).
33 & 34	" "	110 (Matrimonial Causes and Marriage Law (Ireland) Amendment Act, 1870).
34 & 35	" "	49 (Matrimonial Causes and Marriage Law (Ireland) Amendment Act, 1871).
35	" "	10 (Society of Friends, 1872).
36	" "	16 (Marriage Law (Ireland) Amendment Act, 1873).
49 & 50	" "	27 (Guardianship of Infants Act, 1886).
62 & 63	" "	27 (Marriage Validity Act, 1899).

Places for Solemnization.

1. In Roman Catholic Churches and Chapels (which do not require to be registered for marriages as in England). Where *both*

parties are Roman Catholics the marriage need not be celebrated in a Church.

2. In duly licensed Churches and Chapels of the Church of Ireland.

3. In Presbyterian Meeting Houses certified by the Registrar-General.

4. In Separate Buildings registered by the Registrar-General.

5. In the Offices of the Registrars of Marriages under 7 & 8 Vict. cap. 81.

(For Jews and Quakers see after, page 11).

Authority for the Solemnization of Marriages.

Marriages intended to be contracted or solemnized in Ireland must be preceded by one of the following:—

- (1) Special Licence from a Roman Catholic Bishop.
- (2) " " from a Bishop of the Church of Ireland.
- (3) " " from the Head of one of the other Religious Bodies authorised to grant same.
- (4) Licence from a Licensor appointed by a Roman Catholic Bishop.
- (5) " from a Licensor appointed by a Bishop of the Church of Ireland.
- (6) " from a Presbyterian Licensing Minister.
- (7) " from a Registrar of Marriages under 7 & 8 Vict. cap. 81.
- (8) Publication of Banns in Churches of the Roman Catholic Church.
- (9) " " in Churches of the Church of Ireland.
- (10) " " in Certified Presbyterian Meeting Houses.
- (11) Certificate for Marriage without Licence from the Registrar of Marriages under 7 & 8 Vict. cap. 81.

Special Licence.

(1) The grant of Special Licence by the Roman Catholic Bishops is regulated by the Law of the Roman Catholic Church. Both parties must be Roman Catholics.

(2) Any Bishop of the Church of Ireland may, when both parties are Protestant Episcopalians, grant Special Licence to marry at any time, at any place, within his Episcopal superintendence. The cost of such Special Licence in the Diocese of Dublin is £10, including £5 stamp duty. No notice or other preliminary to obtain the Special Licence is prescribed by Statute, but forms of Solemn Declaration have been prepared by the Law Officers of the Crown for use in such cases, which can be made by either of the parties.

(3) Special Licence can be obtained from the heads of the various other religious bodies named in 33 & 34 Vict. cap. 110, Sec. 37, and 34 & 35 Vict. cap. 49, Sec. 21.

CYPRUS.

Law II. of 1889.

Marriage may be by—

(1) Certificate or

(2) Licence,

and may be solemnized by "any accredited or recognised Minister of any Christian or Jewish church, denomination or body; or by a Marriage Officer at his Office" (Sec. 12).

Certificate.—Notice must be given by one of the parties to the Marriage Officer of the district wherein either of the parties has his or her abode* (Sec. 2), and the Marriage Officer may issue his certificate for marriage not less than 15 days after the giving of such notice (Sec. 4), after one of the parties has appeared personally and made a declaration of no legal impediment (Sec. 7). The fees payable are, for filing and publishing notice 1s., for issue of certificate 1s., for marriage by a Marriage Officer 1s.

Licence may be granted by the High Commissioner where both the parties are British subjects, dispensing with notice or certificate, or both, and authorising the celebration of marriage at any time and place specified therein (Sec. 6). The fee for a licence is £10.

Minors under 21 years not being widowers or widows require consent.

This Act only applies where one or both parties is (or are) a British subject or subjects and does not interfere with the marriages of the native population whether Christian or Mohammedan.

* No previous residence beyond this is prescribed.

ASIA.

INDIA.

Christian Marriage Act, 1872 (xv. of 1872 as amended), Special Marriage Act, 1872 (iii. of 1872), Parsee Marriage and Divorce Act, 1865 (as amended), Births, Deaths and Marriages Registration Act, 1886.

Marriages of Christians.—(Act xv. of 1872 as amended.)

Marriages between persons one or both of whom is (or are) a Christian or Christians may be solemnized—

- (1) By any person who has received episcopal ordination,
 - (2) By a clergyman of the Church of Scotland,
 - (3) By any minister licensed under the above Act,
 - (4) By or before a Registrar of Marriages,
- and, in the case of *native Christians*, by any person licensed under the Act to grant Certificates of Marriage between native Christians (Sec. 5).

In the case of marriages solemnized by (1) and (2) the marriages must be according to the rules, rites, ceremonies and customs of the respective churches, in those by (3) and (4) the marriage must be by Certificate.

Certificate.—If the marriage is to be solemnized by a licensed minister, notice must be given by one of the parties intending marriage to the minister who is to solemnize it, setting forth names, surnames, conditions, professions, residence and length of residence, and the name of the church or private dwelling in which the marriage is to take place (Sec. 12). If the marriage is to be in a church the minister must affix it "in some conspicuous part of such church" (Sec. 13). If in a private house it must be forwarded by the minister "to the Marriage Registrar of the district, who shall affix it to some conspicuous place in his own office" (Sec. 14). The Certificate may issue four days after the receipt of notice (Sec. 17) after one of the parties has appeared personally before the minister and has made a declaration of no legal impediment (Sec. 18). Fees payable are—receipt of notice, 1 rupee; publication of notice, 2 rupees.

If the marriage is to be solemnized by or before a Registrar of Marriages, one of the parties must give notice in the form above mentioned to any Registrar of the district within which the parties dwell (or if dwelling in different districts, to the Registrar of each district) (Sec. 38), and this notice must be affixed by the Registrar in some conspicuous place in his office (Sec. 39). The Certificate issues after four days, or if one of the parties is a minor, after 14 days* (Sec. 41). Fees payable are—receipt of notice, 1 rupee;

* Where both parties are resident in Calcutta, Madras, or Bombay, application may be made to a Judge of the High Court for an order directing the Registrar to issue his Certificate before the expiry of 14 days (Sec. 43).

publication of notice, 2 rupees; issue of certificate, 5 rupees; registration of marriage, 3 rupees. The Registrar may at his discretion remit any part of the above fees up to three-fourths to persons in indigent circumstances.

Consent is required in the case of minors, and, moreover, copies of the notice must be sent to *every* Registrar of Marriages in the district for publication (Secs. 16 and 39).

The *marriages of native Christians* are solemnized without the preliminaries aforementioned on condition that—(1) the man is over 16 and the woman over 13, (2) neither party has a living spouse, (3) the prescribed formula is spoken by the parties in the presence of the licensed person and of two credible witnesses.

The *Special Marriages Act* (iii. of 1872 as amended) applies to persons who do not profess either the Christian, Jewish, Hindu, Mahomedan, Parsi, Buddhist, Sikh, or Jaina religion, and may take place before a Registrar specially appointed under the Act, by notice. This must be given by one of the parties setting forth names, conditions, professions, ages, residence and length of residence of the parties, one of whom must have resided for 14 days in the district before notice is given (Sec. 4 and Schedule 1). The marriage may be solemnized after 14 days (Sec. 6) on the signing by the parties and three witnesses of a declaration as to age, religion, no legal impediment, &c. (Sec. 10 and Schedule 2).

Parsees.—(Act xv. of 1865). Marriages of Parsees must be solemnized by a Parsee priest according to the Parsee form or ceremony called "Asirvad" in the presence of two Parsee witnesses (Sec. 3).

The marriages of Hindus, Mohammedans,* Sikhs, &c., take place under the customary law of their respective religions, and these marriages, unregistered for the most part if not entirely so, represent the vast majority of marriages taking place in India.

CEYLON.

Marriages of others than Kandyans or Mohammedans—Ordinance 19 of 1907. Foreign Marriage Ordinance, 12 of 1903.

(i) Marriage may be upon certificate of a Registrar (Sec. 27) issued either—

- (a) After publication of notice for 12 days, or
- (b) Upon licence (see iv. below),

and may be solemnized by a minister in a registered place of worship or by a Registrar in his office (Sec. 32).

(ii) *Notice of Marriage.*—(1) One at least of the parties to an intended marriage must acquire a residence in the Island of 4

* Act I. of 1876, *Bengal*, provides for the *voluntary* registration of Mahomedan marriages in that province, and in May, 1877, similar legislation was projected for Madras.

days before notice of marriage can be given. This qualification is indispensable. (2) *Where both parties have been resident in the Island for 10 days:* (a) Where both parties dwell in the same division notice must be given by one of them to the Registrar of the division, (b) Where both parties dwell in different divisions each must give notice in their respective divisions. (3) *Where only one of the parties has been resident in the Island for 10 days,* notice must be given by that party to the Registrar, Assistant Provincial Registrar, or Provincial Registrar in whose territorial jurisdiction he has resided (Sec. 24). This notice is liable to a stamp duty of Rs. 10 (Sec. 25). (4.) *Where neither party has been resident in the Island for 10 days but one has for 4 days* notice must be given as under (3) (Sec. 24). The notice in this case is liable to a stamp duty of Rs. 30 (Sec. 25).

(iii) *Certificate.*—The Certificate for marriage may issue after not less than 12 days from the entry of notice (as above), or immediately after entry of notice in case a licence is obtained (as under).

(iv) *Licence.*—A licence authorizing a Registrar to issue certificate at once can be obtained "at any time after the entry of notice and upon production of a certified copy of such notice" before the Registrar-General, the Provincial Registrar of the province, or the Assistant Provincial Registrar of the district. One of the parties must personally appear and make the declaration of no legal impediment. This declaration is liable to a stamp duty of Rs. 30 (Sec. 28 (4)).

(v) A relaxation of the restriction as to place and hour of marriage can be obtained upon a special licence of the Registrar-General, Provincial Registrar, or Assistant Provincial Registrar. This licence is liable to a stamp duty of Rs. 50 except (a) In the case of persons belonging to a class of people to whose habits and feelings it is contrary to require their females to appear in public before wedlock, and (b) Where marriage is solemnized by a Christian minister. In these cases the licence is issued free (Sec. 36).

(vi) *Death-bed Marriages.*—Marriages "*in articulo mortis*" may be solemnized by a minister without any of the above preliminaries (Sec. 38).

(vii.) Consent is necessary in the case of minors under 21 not being widows or widowers (Sec. 23).

(viii.) *Registrar's Fees.*—The ordinary fee for entering notice of marriage is 50 cents, for issue of certificate 50 cents, and for solemnization of marriage by Registrar Rs. 1.50 (Schedule III.).

(ix.) *Foreign Marriages.*—Notice of a marriage intended to be solemnized under the Foreign Marriage Act may be given to the Registrar-General by one of the parties who has been resident in the Island for not less than three weeks before such notice, and the Registrar-General's Certificate of such notice can be obtained after 14 days from the entry of notice.

(x.) Marriages of Kandyans and Mohammedans are the subject of Special Ordinances.

FEDERATED MALAY STATES.

Enactment 3 of 1902 (Christian Marriages).

Marriages may be solemnized by—

- (a) Any person who has received episcopal ordination, provided that the marriage be solemnized according to the rules, rites, ceremonies, and customs of the Church of which he is a minister ;
- (b) By any clergyman of the Church of Scotland, according to the rules, &c., of the Church of Scotland ;
- (c) By any minister of the Presbyterian Church of England whose appointment has been notified by the Secretary to the Resident in the "Gazette" ;
- (e) By or in the presence of a Marriage Registrar (Sec. 5).

The preliminaries to marriage before (a) and (b) are, therefore, those ordained by the Anglican, Roman, and Scottish Churches. In case of marriage before (c) and (d) marriage is by Certificate. Notice must be given to the minister who is to solemnize the ceremony by one of the parties, stating names, surnames, ages, conditions, professions, and residence of the contracting parties, the length of residence, and the church or place where the marriage is to be solemnized (Sec. 12). Four days after the receipt of notice by the minister he may issue his Certificate, after one of the parties has attended personally before him and made a declaration of no legal impediment (Secs. 17 and 18). Marriage by or before a Marriage Registrar is also by Certificate, and the procedure is the same as above, except that notice must be given to the Registrar in whose district the parties reside, or, in case they are in different districts, each must give notice in his or her district (Sec. 36), and that when one of the intending parties is a minor the Certificate may not issue for 14 days (Sec. 39). The Resident may also grant a *licence* authorizing the Registrar to issue his Certificate on any day mentioned in the licence, or a *special licence* dispensing with the Certificate of the Marriage Registrar (Sec. 40).

The fees chargeable are :—Certificate (of receipt of notice), 1 dollar ; licence, 5 dollars ; special licence, 25 dollars ; certificate of marriage by Marriage Registrar and registration of same, 2 dollars.

In the case of minors under 21 not being widowers or widows consent is necessary.

This enactment applies where one or both of the contracting parties is or are a Christian or Christians.

STRAITS SETTLEMENTS.

Ordinance III. of 1898 ; Ordinance 25 of 1903.

The preliminaries to marriage are identical with those obtaining in the Federated Malay States (*q.v.*).

LABUAN AND NORTH BORNEO.

Ordinances x. of 1891, ii. of 1892, and i. of 1904 (Labuan), and Proclamation vii. of 1891 (North Borneo).

These Ordinances do not appear to be mandatory as regards all Christian marriages, or to affect church marriages at all, but every case of marriage intended, where one or both of the parties shall profess the Christian religion, may be celebrated thereunder (Sec. 2).

Notice must be given to the Marriage Registrar by one of the parties, setting forth names, conditions, professions, residence and length of residence in district: "provided that if either or both of the parties has or have dwelt in the place stated in the notice for more than 14 days, it may be stated therein that he or she has dwelt for the full period required" (Sec. 6). One of the parties must personally attend before the Registrar, and must make a declaration of no legal impediment, and that he or she has resided 21 days in the district in which the declaration is made (Secs. 8 and 9). The Registrar may then issue his Certificate four days after receipt of the notice.

Licence may be issued by the Governor after the giving of the above notice authorizing the Marriage Registrar to issue his Certificate, or authorizing the marriage to be celebrated on a day specified in the licence (Sec. x.).

The fees are:—Certificate of notice, 1 dollar; licence, 5 dollars; special licence, 25 dollars.

Minors not being widows or widowers require consent.

HONG KONG.

Ordinances 7 of 1875, 15 of 1902, and 6 of 1903.

Marriage may be by—

- (1) Certificate;
- (2) Licence;
- (3) Special licence;

and may be solemnized in any licensed place of worship by any competent minister (Sec. xix. of 7 of 1875), or by the Registrar-General in his office (Sec. xxi.).

Certificate.—Notice must be given to the Registrar-General by *one* of the parties, setting forth names, conditions, professions, ages and residence of parties, and the Certificate issues not less than 15 days, and not more than three months, after the giving of notice (Secs. v. and viii. of 7 of 1875). The fee for certificate is 1 dollar (15 of 1902).

Licence is granted by the Governor to authorize the celebration of a marriage at any time within three months after notice has been given as in the case of certificate (Sec. ix. of 7 of 1875). The fee is 10 dollars for licence and 1 dollar for Certificate, which is also issued (15 of 1902).

Special licence is granted by the Governor, and allows marriage to take place without the prescribed formalities (Sec. xi. of 7 of 1875). The fee is 50 dollars (15 of 1902). The Governor may in his discretion reduce or remit the fee (Sec. xi. of 7 of 1875).

In every case an affidavit has to be made by one of the parties personally before the Registrar-General that there is no legal impediment (Sec. xii. of 7 of 1875).

In the case of minors under 21 not being widows or widowers consent is necessary.

The Registrar-General may, if satisfied of the poverty of the parties, reduce or remit the fees (Sec. xxxvi. of 7 of 1875).

There is no residential qualification.

A marriage must take place within three months from the date of giving notice.

The Marriage *in articulo mortis* Ordinance No. 3 of 1893, provides for the celebration by any competent minister of a marriage between two persons who have lived together in unlawful concubinage, one of them being *in articulo mortis*. No previous formalities are required. In the case of minors the guardian's presence is required. The marriage does not affect previous wills made by either party.

The Foreign Marriage Ordinance, No. 6 of 1903, gives effect to an Ordinance in Council under the Foreign Marriage Act, 1892, and provides for the issue of a Certificate that notice has been given of a marriage to be solemnized under the said Act.

Residential qualification three weeks.

AFRICA.

GAMBIA.

Marriage Ordinance 1862 ; Ordinance 8 of 1904.

Marriage may be by—

- (1) Banns or
- (2) Licence,

and may be solemnized by "any minister of the Christian religion, ordained or set apart to ministry of the Christian religion according to the persuasion to which he may belong" (Sec. III).

Banns.—Notice of publication should be given to the minister at least six days before the first publication and the banns must be proclaimed "in an audible manner during public Divine Service on a Sunday for three Sundays preceding the solemnization of the marriage" (Secs. IV. and III.). There is no stipulation as to residence.

Licence may be granted by the Governor on one of the parties appearing personally before him and making an affidavit of no lawful impediment (Secs. VII. and IX.).

In the case of Jews and Quakers marriage may only be by licence.

Consent does not appear to be necessary in the case of minors marrying by banns but the banns may be forbidden and voided, while in the case of marriage by licence consent is necessary (Secs. VI. and IX.).

By the Ordinance of 8th July, 1905, marriages between Mahomedan natives, contracted in accordance with Mohammedan law, are recognised and valid in the Colony.

SIERRA LEONE.

Colony : Ordinances Nos. 2 of 1859 and 6 of 1859.

Marriage may be by—

- (1) Banns or
- (2) Licence or
- (3) without either Banns or Licence.

(1) *Banns.*—Notice must be given two days before the first publication of banns, the notice to contain the true Christian and other names and surnames of the persons to be married, a description of their respective places of abode and of the time during which they have dwelt there. The banns may be published by any minister of the Christian religion ordained or otherwise set

apart to the ministry of the Christian religion according to the usage of the persuasion to which he may belong, the publication to take place at Divine Service on three Sundays preceding the marriage before the congregation before whom the minister shall officiate in the parish village or district of each party to the marriage. If the parties are of different religious persuasion, publication of banns to take place before each congregation. If publication of banns takes place at different places, the respective ministers to give proper certificates of due publication. When the marriage ceremony is other than that of the United Church of England and Ireland, each of the parties shall, in some part of the ceremony, make the following declaration :—

"I do solemnly declare that I know not of any lawful impediment why I, *A.B.*, may 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)."

After the expiration of three months from the last publication of banns and no marriage takes place, the publication is void and must be done over again.

Minors under 21 (not being widows or widowers) require consent but the minister is not responsible unless the parents or guardians notify him of their forbidding of the marriage.

If parents or guardians of minors are *non compos mentis* or absent or unreasonable in withholding consent, the Chief Justice may declare the marriage proper.

There is no other residential qualification.

(2) *Licence* may be granted by the Governor on proof by affidavit that there is no impediment (Ordinance No. 6 of 1859). Fee—2 guineas.

There is no residential qualification.

(3) *Marriage without Banns or Licence.*—In the marriage Ordinance of this Colony there are no sections similar to Sections 21 and 22 of 4 Geo. IV. c. 76, and that Act is confined to England. Consequently there does not seem to be any hindrance to a marriage taking place before a Clergyman without banns or licence. Such marriages are very rare in this Colony, but one recently took place, and the legal opinion of the Colony seemed to think the marriage was perfectly valid.

FOREIGN MARRIAGES.

Ordinance No. 33 of 1903.

Any person intending to be married under the Foreign Marriage Act, 1892, and who has lived for three consecutive weeks immediately preceding in any town or village of the Colony or Protectorate may give notice of such intention to the Registrar-General of the Colony, stating name, condition, occupation, age, dwelling place and consent (when necessary). On all conditions being complied with the Registrar-General gives his Certificate, fee 5s.

SIERRA LEONE.

Protectorate : Ordinance 19 of 1903.

Marriage may be by—

- (1) Certificate or
- (2) Licence,

and may be solemnized by any minister of the Christian religion "ordained or otherwise set apart to the ministry according to the usages of the persuasion to which he may belong," who is licensed by the Governor (Sec. 5).

Certificate.—Notice must be given by one of the parties to the Registrar of the district in which the marriage is intended to be had, setting forth names, conditions, occupations, ages and residence of the parties, and after the expiration of 21 days the Registrar may issue his Certificate on being satisfied by affidavit, that one of the parties has resided in the town or village in which the marriage is intended to be had for 15 days preceding the granting of the Certificate, and that there is no legal impediment (Secs. 6 and 10). Fees for entering notice 2s. 6d., issue of Certificate 2s. 6d.

Licence may be granted by the Governor on proof by affidavit that there is no legal impediment (Sec. 12). Fee £1 1s.

There is no residential qualification for marriage by licence.

Minors under 21 not being widowers or widows require consent.

GOLD COAST.

Ordinance 14 of 1884.

Marriage may be by—

- (1) Certificate,
- (2) Licence,

and may be solemnized "in any licensed place of worship by any recognised minister" (Sec. 23), or before the Registrar in his office (Sec. 29).

Certificate.—Notice must be given, by one of the parties, to the Registrar of the district in which the marriage is to take place, setting forth names, conditions, ages, occupations and residence of the contracting parties (Sec. 7); and before the issue of the Certificate the Registrar must be "satisfied by affidavit" that *one of the parties* has been resident in the district at least 15 days preceding the granting of the Certificate and that there is no legal impediment to the marriage. The Certificate may issue "after the expiration of 21 days and before the expiration of three months from the date of notice" (Sec. 11). The fee for filing and entering notice is 3s., for issue of Certificate 2s. 6d.

Licence may be issued by the Governor without notice, on proof by affidavit that there is no lawful impediment (Sec. 13). The fee for a licence is £5 5s.

Minors under 21 not being widows or widowers require consent.

The fee for marriage in a Registrar's office is 5s.

LAGOS.

Ordinance 14 of 1884.

Marriage may be by—

- (1) Certificate ;
- (2) Licence ;

and may be solemnized "in any licensed place of worship by any recognised minister" (Sec. 23) or before the Registrar in his office. (Sec. 29).

Certificate.—Notice must be given by one of the parties to the Registrar of the district in which the marriage is to take place, setting forth names, conditions, ages, occupations and residence of the contracting parties (Sec. 8), and before the issue of the Certificate the Registrar must be "satisfied by affidavit" that *one of the parties* has been resident in the district at least 15 days preceding the granting of the Certificate and that there is no legal impediment to the marriage. The Certificate may issue "after the expiration of 21 days from the date of notice" (Sec. 12). The fee for filing and entering notice is 5s., for issue of Certificate 2s. 6d.

Licence may be issued by the Governor without notice, on proof by affidavit that there is no lawful impediment (Sec. 14). The fee for a licence is £5 5s.

There is no residential qualification for marriage by licence.

Minors under 21 not being widows or widowers require consent. (Sec. 20).

The fee for marriage in a Registrar's office is 5s.

SOUTHERN NIGERIA.

Proclamations 20 of 1900, 6 of 1902, and 3 of 1903.

Marriage may be by—

- (1) Certificate ;
- (2) Licence ;

and may be solemnized by "any recognized minister of any licensed place of worship" (Sec. 21 of 20 of 1900) ; or before a Registrar of marriages (Sec. 27, *ibid.*).

Certificate.—Notice must be given to the recognised minister of the licensed place of worship in which the marriage is to be celebrated, or to the Registrar of the district in which the marriage is to take place, by *one of the parties* to the intended marriage, setting forth the names, conditions, occupations, ages and dwellings of the parties (3 of 1903, Sec. 3). The Registrar may issue his Certificate after the expiration of 21 days from the date of notice after being satisfied by affidavit—(1) that one of the parties has resided for 15 days preceding in the district (2) that the parties

are of age or that consent has been given (3) that there is no legal impediment (*ibid.*, Sec. 7). The fee for entering notice is 3s., for Certificate 2s. 6d., for marriage at Registrar's office 5s.

Licence may be issued by the High Commissioner upon proof being made to him by affidavit that there is no lawful impediment and that any necessary consent has been obtained (Sec. 13 of 20 of 1900)—the fee is £5 5s.

CAPE OF GOOD HOPE.

Order in Council, 7th September, 1838. Acts 12 of 1856, 16 of 1860, 9 of 1882, 40 of 1892, and 28 of 1897.

Marriage may be by—

- (1) Banns ;
- (2) Licence ;
- (3) Notice ;

and may be solemnized as to (1) and (2) by ministers of the Christian religion, and marriage officers specially appointed by Governor (Order in Council of 1838, Secs. 2 and 13); as to (2) and (3) by Resident Magistrates. (Act 16 of 1860, Sec. 1).

Banns must be audibly published on three Sundays in the parish where both or one of the parties dwell (Order in Council, 1838, Sec. 2), if the parties dwell in different parishes publication must be made in each (Order in Council, 1838, Sec. 3). If the parties belong to different persuasions publication must be made before each of the congregations to which they belong (*ibid.*). If one of the places where banns have been published be in another country the Certificate of such publication may be accepted (Act 28 of 1897).

Licences are granted by Resident Magistrates after a declaration of no legal impediment has been signed by the parties (Act 9 of 1882, Secs. III. and V.) The fee payable is £5 (Sec. III.) *No residential qualification necessary.*

Notice must be given to the Resident Magistrate of the district within which the parties have dwelt for not less than 14 days (Act 16 of 1860, Schedule A1). If the parties dwell in different districts notice must be given in each (*ibid.* 2). Such notice must be posted and read by Resident Magistrate at three Courts—with not less than three clear days between each, or more than 21 from receipt of notice (*ibid.* 4). After expiry of 21 days marriage may be contracted before Resident magistrate (*ibid.* 8).

There is no fee (Sec. VII. of Act 16 of 1860).

In the case of minors under 21, not being widows or widowers, consent is necessary.

In the case of a widower or widow being the parent of any minor child entitled to claim inheritance out of the estate of the deceased spouse, banns may only be called on production of a Certificate, signed by the Resident Magistrate of the district in which it is intended banns shall be published, certifying that there is no reason, arising out of unsecured inheritances of minor children, why the banns of such widower or widow shall not be published. (Secs. II. and VI. of Act 12 of 1856.)

Marriage must be solemnized within three months after calling of banns, notice, or issue of licence. (Order in Council, 1838, Sec. 9; Act 16 of 1860, Schedule A, Sec. 13; Act 9 of 1882, Sec. IV.)

BASUTOLAND.

The laws in force in the Cape of Good Hope on 29th May, 1884, *i.e.* Order in Council of 7th September, 1838, Acts 12 of 1856, 16 of 1860 and 9 of 1882, are those under which marriages are solemnized in Basutoland. The legal preliminaries are therefore identical with those for the Cape of Good Hope (*q.v.*) with the exception of the last clause of the paragraph relating to marriage by banns.

BECHUANALAND PROTECTORATE.

Marriage in this Protectorate is under the laws of the Cape of Good Hope (*q.v.*).

NATAL.

Order in Council of 1838; Ordinance 17 of 1846.
Law 7 of 1889; Law 19, 1881.

Marriage may be by—

- (1) Banns ;
- (2) Licence ;

and may be solemnized by "any minister of the Christian religion, set apart to the ministry of the Christian religion," or by marriage officers duly appointed by the Governor. (Secs. 6 and 12 of Order in Council of 1838, and Law 19, 1881.)

Banns must be published for three Sundays preceding the solemnization of the Marriage, "in the face of the congregation in the parish in which both or one of the parties shall dwell," and if the parties dwell in different parishes publication must be made in each. (Secs. 2 and 3 of Order in Council.)

Licence may be issued by the Resident Magistrate of every Division (Sec. 1 of Law 7 of 1889), on a declaration of no lawful impediment being made by the intending parties before him or before some justice of the peace. (Sec. 3 and Schedule 2 of 7 of 1889.)

There is no regulation as to length of residence.

Consent is necessary in the case of minors under 21, not being widowers or widows.

There are special regulations for the marriages of natives by Christian rites.

ORANGE RIVER COLONY.

Law 26 of 1899.

Marriage may be by—

- (1) Banns or
- (2) Licence ;

and may only be solemnized by "a marriage officer—authorised by the executive to solemnize and consecrate marriages" (Sec. 4) ; in specified cases the Landdrost or Assistant Landdrost may solemnize marriages (Sec. 7).

Banns must be "publicly published in the usual manner three consecutive Sundays during the holding of a public divine service in some church building or other recognised institution for public divine worship within the parish wherein one or both of the parties reside. Should the parties reside in different parishes the banns shall be published in each such parish." (Sec 3) In cases of marriage before the Landdrost publication may be "by means of a notice affixed to the outside door of the Court room during a period of three weeks." (Sec. 7.)

Licence is to be obtained through the Landdrost or Assistant Landdrost. The parties must appear before him and answer the questions put to them as to age, consanguinity, residence, minority, &c. They must "have resided within the state during the preceding three months," but this provision may be dispensed with (Sec. 9.)

The Landdrost's fee for celebrating a marriage is £1. (Sec. 22.)

Minors require consent.

"Residence in the Colony prior to the calling of the banns is not necessary provided the parties reside in the parishes in which the banns are called during the period within which they are called."

TRANSVAAL.

Law 3 of 1871, Ordinance 39 of 1904.

Marriage may be by—

- (1) Banns ;
- (2) Licence ;

and may be solemnized by "the magistrates of the various districts" and "all Ministers of the Gospel to whom the Government has given the right to do so on production of a Certificate from the magistrate that the provisions of this law with regard to the civil law have been complied with" (2 of 3 of 1871).

Banns must be published on three successive Sundays, either during religious service or "by posting them on the door of the office of the magistrate in whose circuit or jurisdiction each of the parties or both of them reside . . . before the solemnization of the marriage, the bride and bridegroom shall appear before the magistrate of the district, who, as marriage commissioner, shall enquire whether the provisions of the civil law have been complied with, and, if necessary, grant a certificate." (Sec. 1 of 3 of 1871.)

Licence may be obtained by the parties appearing before the magistrate and satisfying him that in the case of minors consent has been obtained, and that there is no legal impediment to the marriage. (Sec. 4 of 3 of 1871.) The magistrate thereupon reports to the Government Secretary, and the Governor may issue or refuse the licence. (Sec. 6.)

Minors under 21, not being widowers or widows, require consent. (Sec. 8 of 3 of 1871.)

There is no stipulation as to residence prior to the proclamation of banns or application for licence.

There is a special law (No. 3 of 1897 amended by Ordinance 39 of 1904) for the marriage of natives.

ST. HELENA.

Ordinances 3 of 1851, 4 of 1886, 9 of 1888 and 9 of 1903.

Marriage may be by—

- (1) Certificate ;
- (2) Licence ;

and may be solemnized by the "minister of any registered place of worship," or before the Registrar.

Certificate.—Notice must be given to the Registrar by one of the parties, setting forth names and surnames, conditions, rank, ages and dwelling place of the contracting parties, and the church or building in which the marriage is to be solemnized (Sec. 4 of 3 of 1851), and a declaration of no legal impediment must also be made (Sec. II. of 4 of 1886). The Registrar's Certificate issues not less than 21 days after the entry of notice (Sec. 5 of 3 of 1851). The fee for entry of notice is 1s., and for Certificate 1s.

Licence may be issued by the Governor "at any time after the entry of such notice." The fee for a licence is £4 1s. (Sec. 6 of 3 of 1851).

In the case of minors under 21, not being widows or widowers, consent is necessary.

Residential qualification of parties is not necessary provided everything else is complied with as laid down in the Ordinances above quoted.

MAURITIUS.

Ordinance 26 of 1890.

Marriage may be solemnized only after "publication" (except in the case of a marriage *in articulo mortis*), and must be celebrated by an officer of Civil Status (Sec. 79).

Publication of an intended marriage must be made twice in the office of the district where the marriage is to take place, with an interval of six days between the two publications, and similar publications must be made in the office of any district in which one of the parties may have resided or had his place of business for 14 days immediately preceding publication (Sec. 60). Birth certificates must be produced, and in the case of a widow or widower the death certificate of the husband or wife (Sec. 61). Where these are not forthcoming an affidavit may be made. Marriage may take place after two days from the posting of the second notice (Sec. 65). There is no fee payable for publication or celebration (Sec. 83).

A *dispensation* from one publication may be obtained from the Governor, which authorizes marriage after two days from the first publication (Sec. 68). The fee for such a dispensation is 50 rupees. The fee for a marriage *à domicile* is also 50 rupees.

Legitimate sons under 25 and legitimate daughters under 21 require consent of their parents; if both parents are dead persons over 21 do not require consent. Natural children over 21 years of age require no consent (par. 4 Sec. 55), but under that age they must obtain the consent of their parents.

SEYCHELLES.

Ordinances 4 of 1893 and 7 of 1904.

Marriage may be solemnized only by "publication," and, except in the case of marriages *in articulo mortis*, must be "celebrated by an officer of Civil Status."

The procedure is identical with that in Mauritius (*q.v.*), the fees also are identical, as are the regulations as to consent.

AFRICAN PROTECTORATES.

Central—Ordinance 3 of 1902; **East**—Ordinance 30 of 1902; **North-Eastern Rhodesia**—"The North-Eastern Rhodesia Marriage Regulations, 1903"; **Uganda**—"The Uganda Marriage Ordinance, 1902"; **Somaliland**—"Regulation 3 of 1902." (The procedure is identical under these enactments.)

Marriage may be by—

- (1) Certificate, or
- (2) Licence;

and may be solemnized by "any recognised minister, in any licensed place of worship" (Sec. 21); or before a Registrar in his office (Sec. 27).

Certificate.—Notice must be given by one of the parties to the intended marriage to the Registrar of the district in which the marriage is intended to take place (Sec. 7), setting forth names, conditions, occupations, ages and dwellings of the parties (Schedule 1), and the Certificate may issue after the expiration of 21 days from the date of notice, after an affidavit has been sworn that *one of the parties* has resided within the district for 15 days preceding the issue of the Certificate, and that there is no legal impediment (Sec. 11).

Licence may be granted by the Commissioner on the making of an affidavit of no lawful impediment (Sec. 13); and the marriage may take place "at a place other than a licensed place of worship or the office of a Registrar of Marriages" (Sec. 29); such place being specified in the licence (Sec. 23).

The fees payable are:—

Central, East and Uganda—

Filing and entering notice	...	3 shillings
Issue of Certificate	...	2 "
Licence	...	20 "
Marriage in Register Office	...	4 "

In North-east Rhodesia—

Filing and entering notice	...	3 shillings
Issue of Certificate	...	2 shillings 6 pence
Licence	...	10s "
Marriage in Register Office	...	5 "

In Somaliland—

Filing and entering notice	...	2 rupees
Issue of Certificate	...	1 rupee 8 annas
Licence	...	20 rupees
Marriage in Register Office	...	3 "

Minors under 21, not being widowers or widows, require consent.

AMERICA.

DOMINION OF CANADA.

Ontario.

Cap. 162. Revised Statutes of Ontario, 1897.

Marriage may be by--

- (1) Proclamation of intention ;
- (2) Licence ;
- (3) Certificate ;

and may be solemnized by "ministers and clergy of every denomination duly ordained, elders, evangelists or missionaries of the 'Congregations of God,' and Commissioners or Staff Officers of the Salvation Army"—being men and resident in Canada (Sec. 2).

Proclamation of intention must be made openly once "in the church, chapel or meeting house in which *one of the parties* has been in the habit of attending worship"—or "in some church, &c. with which the minister who performs the ceremony is connected, in the local municipality, parish, circuit, or pastoral charge, where *one of the parties* has for 15 days immediately preceding had his or her usual place of abode"—parties residing in different districts (within Canada) must each have similar proclamation of intention made in their respective districts—the proclamation must be made on Sunday, immediately before, after, or during service, and a Certificate of Proclamation must be given (Sec. 4).

Licences are to be obtained from issuers of marriage licences, who are nominated by the Lieutenant-Governor in Council. One of the parties has to make an affidavit setting forth place of intended marriage, declaration of no legal impediment, that one of the parties has had usual place of abode in district where marriage is to be solemnized for 15 days immediately preceding, or in case neither party has so resided that "the reason for procuring the marriage to be solemnized in such place is not in order to evade due publicity or for any other improper purpose," and the ages and conditions of the parties (Sec. 17).

Certificates are granted on similar conditions to those governing the issue of licences, at the option of the applicant, and have the same legal effect as a licence (Sec. 7).

Minors under 18 years of age not being widowers or widows must obtain consent.

Where one of the parties resides beyond the boundaries of Canada a licence must be procured, as the publication of banns is expressly limited to Canada.

Quebec.

Civil Code of Lower Canada (Title Second of Acts of Civil Status).

Marriage may be by—

- (1) Banns ;
- (2) Licence ;

and must be solemnized by a "competent officer recognised by law," *i.e.*, a priest, rector, minister or other officer authorised by law to keep registers of Acts of Civil Status (128-129).

Banns must be published by the priest, minister, or other officer, in the church to which the parties belong, on three Sundays or holidays with reasonable intervals. If the parties belong to different churches separate publication to be made in each (130). Domicile is acquired by a six months' residence, and if the last domicile be out of Lower Canada and the publications have not been made there, the officer solemnizing the marriage is bound to ascertain that there is no legal impediment (132).

Licences are to be obtained from authorised issuers of licences ; they are issued from the Department of the Provincial Treasurer, under the hand and seal of the Lieutenant-Governor (59*a*), and appear to apply only to religious denominations other than Roman Catholic. The fee payable is 8 dollars.

In the case of minors under 21 consent is necessary.

British Columbia.

Cap. 129.

Marriage may be by—

- (1) Banns ;
- (2) Licence ;
- (3) Registrar's Certificate.

Marriage by (1) or (2) may be solemnized by "ministers or clergymen of every church and religious denomination in British Columbia," by (3) by the "Registrars appointed by the Lieutenant-Governor in Council under this Act" (C.A. 1888 cap. 79 s. 4).

Banns must be published "openly and in an audible voice, in any church, chapel, or place of public worship of the congregation or religious community with which the minister or clergyman is connected, on three consecutive Sundays, during divine service," or where the practice of the denomination substitutes any other day for the celebration of Divine Worship then on such other days (Sec. 5).

Licences are to be obtained from the Registrars, and are under the hand and seal of the Lieutenant-Governor. Applicant has to make a statutory declaration that there is no lawful impediment. The fee payable is 5 dollars (Sec. 14).

Registrars Certificate for civil marriage only, is obtained by giving notice to the Registrar of the district in which the parties propose to marry, setting forth the names, conditions, ages, and dwellings

of the parties; and 14 clear days must elapse before the Certificate for marriage is issued. The Statutory Declaration must be made as in the case of marriage by licence (Sec. 7). The fee for civil marriage is 10 dollars (Sec. 15).

In the case of minors under 21 not being widows or widowers consent is necessary.

Manitoba.

Cap. 105. Revised Statutes, 1902.

Marriage may be by—

- (1) Banns;
- (2) Licence;
- (3) Dispensation;

and the ceremony may be performed by "the minister or clergyman of every church or religious denomination duly ordained or appointed" (Sec. 3).

Banns must be "proclaimed once openly and in an audible voice, in the church, chapel, or meeting house in which one of the parties has been in the habit of attending worship, or in some church, chapel, meeting house, or place of public worship of the congregation or religious community with which the minister or clergyman who performs the ceremony is connected, in the municipality, parish, circuit, or pastoral charge where one of the parties has for the space of at least 15 days immediately preceding, had his or her usual place of abode; such proclamation to be made on a Sunday"—immediately before, after, or during service (Sec. 4).

Licence is to be obtained from an "issuer of licences or his deputy." The issuers of licences are appointed by the Lieutenant-Governor in Council. The licences are executed under the hand of the Minister of Agriculture. Applicant for a licence has to make an affidavit stating (1) where the marriage is intended to be had, (2) that there is no legal impediment. The fee payable is 2 dollars 50 cents.

Dispensations.—The procedure is as for licence. They are to be obtained from the "head of the church or congregation to which one of the parties belongs." Fee as for a licence.

In the case of minors under 21 not being widows or widowers "the consent of the person whose consent to the marriage is required by law" must be obtained unless it is shown by affidavit that there is no person having authority to give such consent.*

Alberta, Saskatchewan, and North West Territories.

Cap. 46 of 1898 and Cap. 17 of 1901.

Marriage may be by—

- (1) Banns;
- (2) Licence;
- (3) Marriage Commissioner's Certificate.

* Section 17 states who such persons are.

Marriage by (1) and (2) may be solemnized by "ministers and clergymen of every church and religious denomination duly ordained, and by Commissioners and Staff Officers of the Salvation Army; by (2) and (3) by "Marriage Commissioners appointed for that purpose by the Lieutenant-Governor in Council" (Sec. 2, cap. 46 of 1898).

Banns must be "proclaimed thrice openly on two successive Sundays in some public religious assembly" (Sec. 3, cap. 46 of 1898).

Licences are to be obtained from issuers of marriage licences and are under the hand of the Territorial Secretary. One of the parties has to make an affidavit setting forth that there is no lawful impediment, the names, ages, and civil conditions of the contracting parties and the place at which the marriage is intended to be had. The fee is 3 dollars (Sec. 14, cap. 46 of 1898).

Commissioner's Certificate for civil marriage only is obtained by one of the parties giving notice to the Marriage Commissioner where the parties propose to marry, setting forth names, conditions, ages, rank and dwelling place of the parties, and 14 clear days must elapse before the Certificate for marriage is issued. A "declaration of non-disqualification" must be made and signed by each of the contracting parties (Sec. 2, cap. 17 of 1901).

In the case of minors under 21 not being widows or widowers the consent of the father, or mother if father is dead, or if both parents are dead consent of guardian, is necessary to the marriage. In the case of a female over 18 living apart and earning her own living no consent is necessary.

There are special provisions for the marriage of Quakers and Doukhoborsti.

New Brunswick.

Consolidated Statutes, 1903, cap. 76.

Marriage may be by—

- (1) Banns, or
- (2) Licence;

and the marriage may be performed by a person registered by the Provincial Secretary as "authorized," and the persons so authorized must be either a "Christian minister or teacher duly ordained and having charge of a congregation in the province, a commissioner or staff officer of the Salvation Army, resident and having charge of a branch of the Salvation Army in the province, or a retired or superannuated Christian minister or teacher, resident and formerly in charge of a congregation in the province" (Sec. 2).

Banns must be proclaimed "with an audible voice during divine service . . . in some church, chapel, or other place of meeting for religious worship in the parish where either of the parties reside."

Licence is to be obtained from an "issuer of licences," one or more of whom shall be appointed in every county by the Lieutenant-

Governor in Council. Licences are issued under the hand and seal of the Lieutenant-Governor.

No residential qualification is required for marriage by licence.

In the case of minors under 18 years of age consent is necessary.

Nova Scotia.

Cap. 111, Revised Statutes of Nova Scotia, 1900.

Marriage may be by—

(1) Banns, or

(2) Licence;

and the ceremony may be performed by a "minister or clergyman of a church or religious denomination, being a man and resident in Canada recognised as duly ordained," or, in the case of members of the Salvation Army, by a "male commissioner or staff officer," who is provided with a "Certificate under the hand of the Provincial Secretary" (Secs. 3 and 12).

Banns must be proclaimed "in any church or meeting-house at the place in which *one* of the parties to the intended marriage resides—during divine service—in an audible voice at three several services on two or more Sundays if there is more than one public service for divine worship in such church or meeting-house on each Sunday, and otherwise at two several services on two Sundays" (Sec. 6).

Licence may be obtained from a "deputy issuer of marriage licences." These licences are under the hand and seal of the Lieutenant-Governor. Applicant for a licence has to make an affidavit setting forth (1) names, residences, conditions, occupations, ages; (2) that there is no legal impediment. The fee payable is five dollars.

No residential qualification required for marriage by licence.

In the case of minors under 21 years of age consent is necessary.

Prince Edward Island.

2 Wm. IV. cap. 14; 3 Edw. VII. cap. 7.

Marriage may be by—

(1) Banns, or

(2) Licence;

and the ceremony may be performed by any minister or clergyman of any sect or denomination of Christians having spiritual charge of a congregation within this island, or by a "district officer (being a male person) having charge of a branch of the Salvation Army within this province" (3 Edw. VII. cap. 7, Sec. 1); or by any person "whom the Lieutenant-Governor or Commander-in-Chief for the time being may thereto authorize" (2 Wm. IV. cap. 14, Sec. 2).

Banns must be published by the marriage officer (*vide supra*) "in their respective church, chapel, or place of public worship on three successive Sundays during divine service" (2 Wm. IV. cap. 14, Sec. 2).

Licences are issued by the Provincial Secretary, or by the "Deputy Prothonotaries in Prince's or King's Counties," and the applicant is to give a bond and one sufficient surety. The fee for a licence is 2 dollars 14 cents.

No residential qualification of contracting parties is required, but bondsman must be a resident.

In the case of minors under 21 consent of parents or guardians is necessary.

NEWFOUNDLAND.

Consolidated Statutes cap. 133, Second Series, 1892; Act 18 of 1893; Act 9 of 1904.

Marriage may be by—

Banns;

and may be solemnized by persons in holy orders, by some resident minister publicly recognised as pastor and teacher of any congregation having a church or chapel, or by persons employed to discharge the duties of teachers and preachers of religion, such teachers and preachers being duly licensed to celebrate marriages by the Governor (Sec. 2 of cap. 133), or by "commissioners or staff officers of Salvation Army resident in the Colony and its dependencies, being men chosen or commissioned by the said Society to solemnize marriages," and certified by the Colonial Secretary (Sec. 1 of 18 of 1893).

Banns must be duly proclaimed on three successive Sundays "in some church or chapel," or where there is no church or chapel notice must "be placarded in some conspicuous place of public resort for the space of three weeks immediately preceding the day appointed for the celebration of such proposed marriage" (Sec. 3 of cap. 133).

Minors require consent.

BERMUDA.

Act 20 of 1847.

Marriage may be by—

(1) Banns;

(2) Licence;

and may be solemnized by "any minister of the Christian religion ordained or otherwise set apart to the ministry of the Christian religion" (Sec. 1).

Banns must be "published in an audible manner during public divine service . . . in the church, chapel, or meeting-house of the congregation to which one or both of the parties to be married shall belong or shall usually attend . . . for three Sundays preceding the solemnization of the marriage, and if the parties be of different persuasions or belong to different congregations, the banns shall be published in like manner before each of the congregations" (Sec. 1).

Licence is granted by the Governor, and one of the parties intending marriage must appear personally before the Colonial Secretary or his deputy and make an affidavit or declaration of no legal impediment, &c. (Sec. ix.). A certificate has, also, to be produced from the person to whom the licence is to be addressed, or from a justice of the peace, or from two house-holders of known character and probity, stating that the applicant and the facts of the intended marriage are known to him or them personally, and that to the best of the knowledge and belief of the person or persons giving such Certificate, there exists no lawful impediment to such marriage.

Jews and Quakers may be married according to their own rites by *licence* only (Sec. v.).

Consent is necessary in the case of minors under 21 (not being widows or widowers) for marriage by licence—but in the case of banns the banns can only be voided by some authorised person forbidding the marriage.

BAHAMAS.

2 Vict. cap. 13; 5 Vict. cap. 9; 37 Vict. cap. 20; 38 Vict. cap. 3;
Law 4 of 1904.

Marriage may be by—

- (1) Banns;
- (2) Licence;

and may be solemnized by "any minister of the Christian religion, ordained or otherwise set apart to the ministry of the Christian religion and acknowledged as such by any known sect or society of Christians in the United Kingdom" (2 Vict. cap. 13), or by any minister not coming under the above designation who is licensed by the Governor to solemnize marriages (38 Vict. cap. 3), or by marriage officers appointed by the Governor (5 Vict. cap. 9).

Banns must be published in an audible manner in the parish in which both or one of the parties shall dwell on three Sundays—if parties reside in different parishes publication must be made in each, and if of different persuasions before each of the congregations even if both are resident in the same parish (2 Vict. cap. 13).

Licence may be granted by the Governor "upon the request of the parties or either of them" (Sec. 5, 2 Vict. cap. 13).

JAMAICA.

Laws 25 of 1897; 26 of 1899; 8 of 1904; and 28 of 1905.

Marriage may be by—

- (1) Certificate of Civil Registrar;
- (2) Certificate of Marriage Officer;
- (3) Licence;

and may be solemnized by Civil Registrars of marriages, appointed by the Governor, and by ministers of religion who have been appointed and gazetted as marriage officers.

Civil Registrar's Certificate.—Where the parties are resident in Jamaica notice must be given to the Civil Registrar of the district in which the parties have resided for not less than 15 clear days before the giving of such notice, setting forth names, conditions, occupations, ages, abodes, length of residence and names of fathers of the parties, and declaring that there is no lawful impediment. The Certificate issues after the expiry of 7 clear days. Where the parties reside in different districts, notice must be given in each district. Where however one of the parties is *not resident in Jamaica*, notice by the other resident party suffices (Sec. 21 Law 25 of 1897). The fee for receiving a notice of marriage is 1s.

Marriage Officer's Certificate of Banns.—Notice has to be given to the marriage officer in a form almost identical to the above, and the banns are to be published during divine service and a copy of the notice then affixed outside the principal door of the place of worship for 7 clear days, after which the Certificate of banns may issue. The publication is to be made by the "minister (being a marriage officer) of the congregation to which he or she belongs or is considered to be attached . . . or of a place of worship in the parish in which he or she resides." When residing in different parishes the notice must be given and banns published in each, where however one of the parties is *not resident in Jamaica*, notice by the other party suffices (Sec. 22 of Law 25 of 1897 and Sec. 3 of 28 of 1905). The Certificate may also issue without publication if the notice be affixed outside the principal door of the place of public worship where the marriage officer ministers (Sec. 23).

Licence is issued through the office of the Colonial Secretary by the Governor on application by or on behalf of either of the parties and must bear a £5 stamp (Sec. 25 of Law 25 of 1897). A Justice of the Peace, or the Clerk to the Resident Magistrate's Court for the parish in which either party resides, or a person specially appointed by the Governor may also issue a licence, dispensing with the issue of Certificate, &c., on an affidavit signed by the parties that the particulars in the notice are true. An affidavit must also be made by some minister of religion that the parties are well known to him, &c. This licence must bear a 2s. 6d. stamp. (Secs. 7 and 9 of Law 28 of 1905).

Consent is required for minors under 21, not being widowers or widows.

TURKS AND CAICOS ISLANDS.

2 Vict. cap. 13 (Bahamas Act) and Ordinance X. of 1873.

Marriage may be by—

- (1) Banns, or
- (2) Licence;

and may be solemnized by any minister of the Christian religion, ordained or otherwise set apart to the ministry of the Christian religion and acknowledged as such by any known Sect or Society of Christians in the United Kingdom (Bahamas Act), or by marriage officers appointed by the officer administering the Government for the time being (Sec. 1 of Ordinance X.).

Banns must be published audibly in the parish in which the parties dwell, on three Sundays; if residing in different parishes publication must be made in each; and if of different persuasions before each of the congregations even if both parties are resident in one parish (2 Vict. cap. 13). By Sec. III. of Ordinance 10 of 1873 lay readers of the Church of England, or any presiding elder, deacon or delegate of any known sect or society of Christians within these Islands may publish banns.

Licence may be granted by the Governor "upon the request of the parties or either of them" (Sec. 5 of Bahamas Act).

LEEWARD ISLANDS.

Antigua.

Acts 89 of 1844 and 11 of 1873.

Marriages may be by—

- (1) Banns, or
- (2) Licence;

and may be solemnized by any clergyman of the Church of England, or by ministers of the Christian religion not of the established church officiating in a place of worship licensed by the Governor for the solemnization of marriages (2 and 3 of Act 89).

Banns must be published on three successive Sundays in the face of the congregation to which both, or one of the parties, shall be considered to be attached, and if the parties are of different congregations, in like manner before each of the congregations (Sec. 3 of Act 89). No stipulation as to residence, but minister may require seven days' notice prior to first publication (Sec. 4 of Act 89).

Licence may be issued by the Governor or his acting deputy under the conditions and "in the same manner as licences now are, and heretofore have been issued to clergymen of the established church" (6 of 89).

In the case of minors, not being widowers or widows, consent is required.

St. Kitts-Nevis.

MARRIAGE REGULATIONS.

(St. Christopher Acts 57 of 1843 and 63 of 1845.
Nevis Act 39 of 1840 and Leeward Islands Act 5 of 1882.)

Legislation.—Acts 57 of 1843 (St. Christopher) and 39 of 1840 (Nevis) regulate marriages among dissenters from the established church.

Act 63 of 1845, passed for "the prevention of clandestine marriages," regulates the issuing of marriage licences and publication of banns in St. Christopher only, and relates to Anglicans only.

Act 5 of 1882 regulates the hours during which marriages shall be solemnised.

Marriages, and by whom solemnised.—Marriage may be by—

- (1) Banns;
- (2) Licence;

and may be solemnised by (a) clergymen of the established church (Act 63); (b) any minister of any religious society or denomination of Christians in Great Britain and Ireland (Act 39, s. 2); (c) ministers of the Moravian persuasion and of the Wesleyan Methodists (Act 57, Preamble and s. 1).

Banns (Anglicans).—Banns must be published on three Sundays preceding the solemnization of marriage in the parish church in the parish in which the parties reside, or if they reside in different parishes, banns must be published in both parishes (Act 63, s. 2).

Ministers shall have seven days notice of banns to be published (Act 63, s. 4).

Banns (other denominations).—Banns must be published on three Sundays preceding the solemnization of marriage in a church or chapel in the parish in which both or one of the parties to be married shall dwell, or,

(1) If they reside in different parishes banns must be published in both parishes (Act 57, s. 1).

(2) If there be no chapel in such parish, then in the nearest chapel (Act 57, s. 1).

(3) If one or both of the parties shall dwell in any parish (in Nevis) in which no congregation of their denomination shall usually assemble or in which there is not a chapel belonging to such congregation, banns shall be published in the chapel of such congregation in the parish of St. Paul, Charlestown (Act 39, s. 2).

(4) If the parties shall be of different persuasions banns shall be published before each of the congregations to which each of the parties may respectively belong, whether both the said congregations shall assemble in the said parish or not (Act 57, s. 1).

Minister to have two days notice of banns to be published (Act 57, s. 2).

No notice is necessary in Nevis.

Duration of time of Banns.—Marriage must be solemnized within three months after publication of banns (Act 57, s. 2, Act 39, s. 5, Act 63, s. 6).

Licences.—Marriage licences shall be obtained from the administrator's office, and shall be issued by—

(1) The Ordinary (the Governor or Administrator).

(2) The officer legally authorized to grant marriage licences (the Governor or Administrator) (Act 39, s. 2) on the application of one of the parties, who must personally swear before the Administrator or other person having authority to administer oaths that—

(1) There is no impediment of kindred or alliance or of any lawful cause to hinder the proceeding of the said matrimony.

(2) That one of the said parties has for the space of 15 days immediately preceding such licence had his or her usual place of abode within the parish within which such marriage is to be solemnized (Act 63, s. 8, Act 39, s. 2).

Consent.—If either of the parties (not being a widower or a widow) is under 21 years of age consent to such marriage shall be obtained from person having authority to give such consent. If there be no such person having authority to give such consent then upon oath made to that effect by the party requiring a marriage licence (Act 63, s. 8, 10, 11, and Act 39, s. 4).

Fees.—(Administrator's fees for marriage licences (Act 63, s. 19, and Act 39, s. 2) abolished by law.) A stamp duty of £2 is payable on each marriage licence under the Stamp Duty Act No. 32 of 1887.

Bond.—No bond or security is required before a marriage licence is issued in St. Christopher (Act 63, s. 9).

Security by bond is to be given in the Administrator's office that the intended marriage is according to law before a licence is granted for marriages in Nevis (Act 39, s. 2).

Dominica.

The Registrar-General reports (2nd July, 1904) "there is no law of this presidency or colony regulating the celebration of marriages. The only laws on this subject are Leeward Islands, No. 5 of 1882, fixing the hours at which marriages may be solemnized . . . and Dominica, No. 51 of 1837, giving validity to marriages by Wesleyan Missionaries and requiring them to keep a register . . . There can be no doubt that legislation, on the subject of marriages, must take place in the near future in the colony. In the meantime, we are governed more or less by usage, custom, and Ecclesiastical Authority."

Montserrat.

Act 146 of 1839.

Marriage may be by—

(1) Banns ;

(2) Licence ;

and may be solemnized by "any minister of the Christian religion."

Banns must be published in an audible manner in the parish in which both or one of the parties to be married shall dwell on three Sundays—if the parties reside in different parishes publication must be made in each, and if of different persuasions before each of the congregations even if resident in the same parish.

Licence.—From the Act it is not clear by whom or under what conditions a licence may be issued.

Minors under 21 not being widowers or widows require consent.

Virgin Islands.

Marriage Act of 1839.

Marriage may be by—

(1) Banns ;

(2) Licence ;

and may be solemnized by "any minister of the Christian religion ordained or otherwise set apart to the ministry of the Christian religion (Clause 1) ; or by marriage officers appointed by the Governor (Clause 5).

Banns must be published on three Sundays preceding the marriage, "in an audible manner . . . in the parish in which both or one of the parties shall dwell . . . and if the parties shall dwell in different parishes the banns shall be published in like manner in both such parishes, and if of different persuasions before each of the congregations to which the parties may respectively belong, whether the congregations shall assemble in the same parish or not" (Clause 1).

Licence is issued by Commissioner. The party applying must enter into a Bond and must also get some substantial person to sign an affidavit that the parties to the intended marriage are well known to him and that there is no impediment.

Consent is necessary for minors under 21 not being widows or widowers in case of a marriage by licence, while in the case of marriage by banns the publication is voided by their being forbidden by any "person whose consent is required by law" (Clause 3).

WINDWARD ISLANDS.

Grenada.

Ordinances 12 of 1900 and 18 of 1901.

[*Note.*—The provisions of the (Imperial) "Foreign Marriages Act, 1892" and the "F. M. Orders in Council, 1892 and 1903," have been carried into effect in this Colony by Ordinance No. 8 of 1903.]

Marriage may be by—

(1) Registrar's Certificate ;

(2) Marriage Officer's Certificate ; or

(3) Licence ;

and may be solemnized (a) by ministers of religious denominations appointed to be Marriage Officers (Sec. 5 of 12 of 1900) or some one deputed to act temporarily instead (Sec. 12 *ibid*), or a "person appointed by the

Governor on application from a congregation whose minister is not desirous of acting as a Marriage Officer (Secs. 13 E. and 21 *ibid*), and (b) before Registrars of marriages (Secs. 4 and 22 *ibid*).

Registrar's Certificate.—Notice must be given to the Registrar of the district in which the parties have resided for not less than 15 days previously, if they both reside in the same parish one notice suffices, and if one of the parties is not resident in the colony notice by the other party will suffice (Sec. 15 of 12 of 1900). The notice gives names and surnames, conditions, calling, ages, dwelling place and length of residence of the parties, and contains a declaration that the party or parties so giving has or have resided for 15 days within the district, that there is no legal impediment and that consent has been obtained where necessary. This declaration has to be made in the presence of two householders in the district who have to certify to their belief in the truth of the statements contained (Schedule A). The Registrar's Certificate issues on the expiration of seven clear days (Sec. 15).

Marriage Officer's Certificate of Banns.—Notice must be given by the parties in the same form as above, (except as to length of residence,) to the marriage officer being a minister of the congregation to which they respectively belong or to a minister being a marriage officer of the parish in which they reside; if both are attached to one congregation one notice will suffice, or if one of the parties resides outside the colony one notice will suffice. This must be posted within four days outside the principal door of the place of worship to which the marriage officer ministers and kept so posted over three Sundays, and the banns must also be publicly published on three Sundays (or in the case of Jews three Saturdays) during public divine service in face of the congregation. After this is complete the Certificate may issue (Sec. 16).

Licence (in case of persons residing in the colony intending matrimony) is issued (a) by the Governor through the office of the Colonial Secretary, or (b) by "such persons as may from time to time be nominated by the head of any religious denomination and approved by the Governor." In the first case (a) upon "proof being made to his satisfaction that there is no lawful impediment" and that "where consent is required it has been obtained," in the second case (b) on a statutory declaration "that there is no impediment as aforesaid" and that "where consent is required it has been obtained" (Sec. 17).

The certificates and licences above-mentioned are not operative after three months from the date of issue (Sec. 20). The procedure for obtaining a fresh certificate or licence must be taken *de novo* thereafter.

Minors under 21 not being widowers or widows require consent (Sec. 18).

Marriage "*in articulo mortis*" may be solemnized without certificate in the case of persons who have lived in unlawful connection—but does not annul an existing will or have a retrospective effect (Sec. 29).

St. Lucia.

Civil Status Ordinance of 1879; Ordinance 8 of 1904.

Marriage may be by—

- (1) Banns;
- (2) Licence;
- (3) Notice;

and may be solemnized by a minister of religion being a status officer or by a District Registrar.

Banns must be published three times within a period of two months, at intervals of not less than one week, in a church in each ecclesiastical parish in which the parties are resident.

Licence is granted by the Governor after one of the parties has made an affidavit of no legal impediment.

Notice for civil marriage takes place in a courtroom of the magistrate of each district in which the parties reside, and during the sitting of the Court, and must be exhibited for not less than 15 days.

Consent does not appear to be necessary to the marriage of minors in the case of marriage by banns or notice—the celebration may, however, be opposed by the parent, tutor, or curator of the minor. In the case of marriage by licence consent is necessary.

St. Vincent.

Act No. 40 (3rd March 1841); Ordinance 4 of 1904.

Marriage may be by—

- (1) Banns, or
- (2) Licence;

and may be solemnized by "any minister of the Christian religion, ordained or otherwise set apart to the ministry of the Christian religion" (Clause 1); or by marriage officers appointed by the Governor "under his hand and official seal" (Clause v.).

Banns must be published "in an audible manner for three Sundays preceding the marriage, in the parish in which both or one of the parties shall dwell . . . if the parties shall dwell in different parishes, in like manner in both such parishes . . . if the parties shall be of different persuasions in like manner before each of the congregations to which the said parties may respectively belong, whether both congregations assemble in the same parish or not" (Clause 1).

Licence (Clause iv.).—Application for licence has to be made to the Governor or Administrator in the prescribed form, setting forth names, ages, occupations, conditions, residence and length of residence of parties, and has to be certified to by some responsible person, and a bond has to be entered into for the sum of £416 13s. 4d. The fees payable amount to £2.

Consent to the marriage of a minor under 21 is not necessary, but any person "whose consent is required in law" may "forbid the marriage, and give notice thereof" before the marriage is solemnized, in which case the banns are voided (Clause iii.).

Marriages must take place between 8 a.m. and noon.

BARBADOS.

"The Marriage Act, 1891"; "Marriage Amendment Act, 1905."

Marriage may be by—

- (1) Banns;
- (2) Licence;
- (3) Notice;

and may be solemnized as to (1) and (2) by any minister of the Christian religion ordained or otherwise set apart to the ministry of the Christian religion (Sec. 2), and as to (2) and (3) by police magistrates (Sec. 21).

Banns must be published during divine service on Sunday, in the parish in which both or one of the parties shall dwell, by the minister, for three Sundays preceding the solemnization of the marriage, and if the parties to the marriage shall dwell in different parishes the banns shall be published in like manner in both such parishes (Sec. 2).

Licence for marriage in a church is issued by the Governor, the secretary or his deputy, and before it is granted in the case of a minor "there shall be produced and left with the secretary, or his lawful deputy, a letter or certificate signed by the parents, guardians, or other nearest relatives of the persons to be married that such marriage is with his, her, or their consent or approbation" (Sec. 3 of 1905).

If the minor be unknown to the grantor of the licence, or the latter be unacquainted with the handwriting of the signatory to the consent, an affidavit must be sworn by one of the parties and both the sureties that the names are not feigned and that the marriage is by consent (Sec. 3 of 1905).

In the case of the marriage of persons of full age, not known to the grantor of the licence, the person applying must swear an affidavit that the names are not feigned, and that the parties are of full age (*ibid*).

Licences for civil marriage issue from the Colonial Secretary's Office, and are signed by the Governor, and are obtained and granted in the same manner and on the same conditions as licences for the celebration of marriages by ministers of religion (Sec. 22).

Notice for civil marriage must be given "by one of the parties to the police magistrate of the district in which they shall have resided for twenty-one days next previous to such notice," stating names, abode, and professions or occupations of parties (Sec. 23), and if the parties "reside in different police districts" notice "shall be given to the magistrate of each district, and such marriage shall be

celebrated by the police magistrate of the district chosen by the parties" (Sec. 24). Marriage may be celebrated after the expiry of 14 days from the notice and suspension in some conspicuous place in the office of the magistrate or magistrates to whom notice was given (Secs. 23, 24 and 25). The fee for notice is 3s., and for certificate that notice has been duly given and suspended 6d. (Secs. 23 and 24); the fee for marriage before magistrate is 3s. (Sec. 28).

Marriages *in articulo mortis* may be solemnized by clergy or police magistrates without banns, licence, or notice (Secs. 10 and 27).

Consent does not appear to be necessary in the case of minors married by banns, but by Sec. 4 any person whose consent is required by law may forbid the marriage, and so render publication of banns void. In the case of civil marriage the restrictions on the issue of licence enforce consent, while notice can only be given by minors "with consent."

Provision is made for the case of insanity, absence from Colony, and incapability of, or the unreasonable or improper withholding of, consent by a parent or guardian, whose consent to a marriage is necessary; or of there being no person capable of consenting. In such event a petition may be preferred by any person desirous of a marriage, to which such consent is necessary, but cannot be given or is withheld, to the chief judge of the island, who is empowered to proceed summarily upon such petition, and judicially by order allow the marriage to take place (Sec. 6 of 1891-15).

TRINIDAD.

Ordinances 11 of 1863 and 13 of 1865.

Marriage may be by—

- (1) Certificate;
- (2) Licence;

and may be solemnized by the minister of or officiating in a registered place of worship, or before the District Registrar.

Certificate.—Notice must be given by one of the parties "to the District Registrar of the district within which the parties shall have dwelt for not less than seven days next preceding, setting forth names, ages, conditions, professions, dwelling and relationship (if any) of the contracting parties, and the place in which the marriage is intended to be solemnized (Sec. 7 of 11 of 1863, and Sec. 1 of 13 of 1865). Where the parties dwell in different districts notice must be given in each. The Registrar's Certificate issues after "not less than 21 days after the entry of such notice" (Sec. 9 of 11 of 1863). Fee for entry of notice 1s., for Certificate 1s.

Licence may be issued by the Governor "at any time not less than seven days after the entry of such notice." One of the parties has to appear personally before the Registrar of Marriages and make an affidavit of no legal impediment. The fee for a licence is £5 (Sec. 10 of 11 of 1863).

The fee for a marriage before a District Registrar is 10s. by licence, 5s. by certificate.

Minors under 21, not being widows or widowers, require consent.

Marriages *in articulo mortis* may be solemnized without preliminaries, but are "totally void, and of no effect as a marriage in law" (Sec. 6 of 13 of 1865).

BRITISH HONDURAS.

Ordinance 18 of 1889, as amended by 27 of 1892, Sec. 27, 18 of 1900, and 14 of 1903.

Marriages are solemnized *after a declaration of no legal impediment has been made by each of the contracting parties* (Sec. 7 and Schedule B of 18 of 1889); and may be celebrated by registered ministers of religion ordinarily officiating as such or by a district magistrate (Sec. 2 of 18 of 1889). There does not appear to be any stipulation as to residence or other necessary formality.

Minors under 21, not being widowers or widows, must have consent (Sec. 12 of 18 of 1889).

BRITISH GUIANA.

Ordinances 25 of 1901 (amended by 29 of 1902), and 36 of 1903.

Marriages may be by—

- (1) Banns;
- (2) Licence;
- (3) Certificate;

and may be solemnized by "any male minister of the Christian religion, ordained or otherwise set apart to the ministry of the Christian religion—appointed by the Governor a marriage officer" (Sec. 4), or by the Superintendent Registrar of the district (Sec. 51).

Banns must be published during public divine service on three Sundays within the three months preceding the solemnization of the marriage, in the marriage district in which the parties dwell—or if they dwell in different marriage districts publication must be made in each (Sec. 33).

Notice should be given at least two days before the first publication, stating names, rank, residence, conditions and duration of residence, and also that there is no legal impediment (Sec. 34).

Licence is issued by the Governor on a petition signed by both parties setting forth names, rank and conditions of parties, place of marriage, that there is no lawful impediment and that one of the parties has had his or her usual place of abode within the Colony for 15 days immediately preceding such licence. The name of the

marriage officer who is to perform the ceremony and the place where it is to be solemnized must also be stated. The petition must be lodged in the Government Secretary's office at least two days before the licence is required (Sec. 41).

Certificate.—Notice must be given by the parties under their hands to the Superintendent Registrar of the district within which they have dwelt for not less than seven days next preceding, setting forth names, conditions, rank, ages, residence and length of residence of the parties, and a statutory declaration must also be made and signed that there is no legal impediment, &c. (Sec. 45), and the Certificate may issue after the expiry of 21 days next after the day of entry of such notice (Sec. 48). The fee for entry of notice is 24 cents and for issue of Certificate 1 dollar.

Marriage "*in articulo mortis*" may be solemnized without banns, certificate or licence, under specific conditions (Sec. 60).

Minors under 21, not being widows or widowers, require consent.

FALKLAND ISLANDS.

Ordinance 8 of 1902.

Marriage may be by—

- (1) Banns;
- (2) Licence;
- (3) Special Licence;

and may be solemnized by any registered minister (*i.e.* any minister of religion ordinarily officiating as such in the Colony at the date of the passing of the above Ordinance, or any minister who has subsequently received from the Governor a Certificate of Registration) (Sec. 6); or by a Registrar (Sec. 11).

Banns must be published on three consecutive Sundays and a declaration of no legal impediment must be made and signed by one of the parties before a Registrar or Justice setting forth names, ages, conditions, rank or profession, and residence of the parties and their fathers' names and professions (Sec. 10 and Schedule 1).

Licence is issued by the Registrar-General after notice has been given by one of the parties and the declaration (as above) has been made and signed, not less than 21 days after the posting of the notice (Secs. 12, 13, 14).

Special licence, which permits of marriage at any time and in any place, may be issued by the Governor after the making of the declaration as above.

The fees are—publication of banns, 2s. 6d., entry of notice of marriage, 2s. 6d., licence from Registrar-General, 5s., special licence, £3, marriage by Registrar, 10s.

No residential qualification is required.

Minors under 21, not being widowers or widows, require consent.

AUSTRALASIA.

AUSTRALIA.—THE COMMONWEALTH

New South Wales.

Act 15 of 1899.

Marriage may be solemnized by any minister registered in the office of the Registrar-General in Sydney, or by a district Registrar—3 (1). Marriage before Registrar must be by the Registrar of the district in which the intended wife ordinarily resides, and in such cases the parties are first required to sign a declaration that they conscientiously object to be married by a minister of religion. Before the marriage, whether by minister or Registrar, each party has to make an oath or solemn affirmation that there is no legal impediment—5 (1). Jews and Quakers may, however, marry according to their respective usages—20 (1, 2). There is no stipulation as to residence except in the case of a marriage before the Registrar as above.

In the case of minors under 21, not being widowers or widows, consent is necessary.

Victoria.

Acts 54 Vict. No. 1,166 ; 62 Vict. No. 1,582.

Marriages may be solemnized by a "minister of religion whose name is registered in the office of the Government Statist, or by the Government Statist or any Registrar of marriages" (Sec. 5, 62 Vict. No. 1,582).

In the case of civil marriages, written notice of the intended marriage must be given by the parties and posted inside and outside the office of the Government Statist or Registrar of marriages for three days before the celebration of the marriage, and such marriage must be celebrated in the office where notice is given (Secs. 23 & 24, 62 Vict. No. 1,582).

Clergy are not restricted in this respect, except by the rules of their particular denomination, and perform marriages without any notice whatever.

No residential qualification is required of the parties married either by clergy or Registrar, nor is it necessary to be married in the district where the parties reside.

In all marriages the declaration of no legal disability has to be signed by the parties (Sec. 10, 54 Vict. No. 1,166).

Marriages of Jews and Quakers are exempt from the provisions of the Act binding on all other denominations ; but such marriages are legal and valid when celebrated according to their respective usages (Secs. 18 & 19, 62 Vict. No. 1,582).

In the case of minors under 21, not being widows or widowers, consent is necessary.

Queensland.

28 Vict. No. 15 ; 34 Vict. No. 8 ; 36 Vict. No. 12.

Marriages may be solemnized by ministers of religion "registered in the office of the Registrar-General for Marriages in Brisbane" (28 Vict. No. 15, Sec. 2), by district registrars (Sec. 9), and by justices authorised by the Governor in Council (36 Vict. No. 12, Secs. 2 and 3). The procedure is practically the same as in New South Wales.

(New South Wales—procedure—"each party has to make an oath or solemn affirmation before the marriage that there is no legal impediment." There is no stipulation as to residence, and the oath or affirmation would appear to be made immediately before the ceremony is performed.)

No notice is required, but the person proposing to officiate may postpone a marriage a week for enquiry.

South Australia.

Acts 15 of 1867, 21 of 1871, 243 of 1882.

Marriage may be by—

(1) Certificate ;

(2) Licence ;

and may be solemnized by ministers of religion "duly entered upon the roll kept by the Registrar-General of Marriages" (Sec. 6, 45 and 46 Vict. No. 243 ; by "Officiating Registrars" exceptionally appointed by Governor (Sec. 11, 31 Vict. No. 15), or by Registrar-General of Marriages, Deputy Registrar of Marriages, and all District Registrars of Marriages (Sec. 15, 31 Vict. No. 15).

Certificate.—Notice must be given by one of the parties "to the Registrar-General, Deputy Registrar of Marriages, or District Registrar of the district in which the parties dwell," setting forth names and surnames, ages, residence, conditions and professions of the parties, and the place where the marriage is to be celebrated. Where the parties reside in different districts notice must be given in each district (45 and 46 Vict. No. 243, Sec. 7), and the Certificate issues after 14 clear days, the fee being 1s. (Sec. 8).

Licences are granted by all persons empowered to solemnize marriages at a fee of £3 (Secs. 9 and 10, 45 and 46 Vict. No. 243) and authorise the parties to proceed to the celebration of the marriage.

Before any marriage, either by certificate or licence, takes place, a declaration of no legal impediment has to be signed by the parties (Sec. 11, 45 and 46 Vict. No. 243).

Minors under 21 not being widows or widowers must obtain consent.

No preliminary residence is necessary for marriage by either certificate or licence. The total fees chargeable for marriage are by certificate 13s. 6d., by licence £3 10s.

Western Australia.

Act 58 Vict. No. 11 and 62 Vict. No. 23.

Marriage may be by—

- (1) Banns ;
- (2) Notice of intention ;
- (3) District Registrar's Certificate ;
- (4) Special Licence.

Ministers of religion duly registered according to law in the office of the Registrar-General may solemnize marriages after any one of these preliminaries, *district registrars* may only celebrate them by "certificate" or by "special licence."

Banns must be proclaimed "on three consecutive Sundays in a church within the district wherein *one* of the parties to such marriage resides and within which such marriage shall be celebrated" (Sec. 12 (1)).

Notice of intention must be affixed for three consecutive Sundays to the outer door of a church within the district wherein *one* of the parties to such marriage resides and within which such marriage shall be celebrated" (Sec. 12 (2)).

District Registrar's Certificate.—Notice must be given to the District Registrar of the district wherein such parties have respectively resided for not less than seven days next preceding the giving of notice. If one of the parties resides outside Western Australia notice by the other party shall be deemed sufficient (Secs. 12 and 13). The Certificate issues after the expiration of seven days (Sec. 17). The fees are 1s. for entry of notice and 1s. for Certificate.

Special Licence may, in a very exceptional case, on production of declaration made before the intended celebrating minister or District Registrar, be granted by the Governor or any Resident Magistrate (Sec. 20). Fee for special licence £10; power being, however, given to either the Grantor or the Registrar-General to remit the whole or any portion of such fee at his discretion.

The declaration of absence of legal impediment must in every case be signed by the parties before marriage (Secs. 7 and 13).

Minors under 21 not being widows or widowers must produce written consent of parent or guardian.

Witnesses.—Two of full age are required.

Time for celebration.—Between 8 a.m. and 6 p.m.

Place of celebration.—*If by Minister*.—Any place within district in which banns, or church door notice have been published; or any place in any district, on production of District Registrar's certificate or special licence.

If by District Registrar.—In the office of the District Registrar to whom notice has been given, or in the office of any District Registrar on production of special licence.

Jews.—Marriages between parties both of whom are Jews must, and can only, be celebrated by a minister of the Jewish religion, duly registered for that purpose in the office of the Registrar-General, conformably with the Jewish usage.

Quakers.—Marriages between Quakers must be celebrated conformably with the usage of that sect.

Tasmania.

Acts 59 Vict. No. 23, 60 Vict. No. 13.

Marriage may be by—

- (1) Certificate, or
- (2) Licence ;

and may be solemnized by "ministers of religion" duly registered in the office of the Registrar-General; by the Registrar-General, and all Registrars of Marriages (Sec. 7, 59 Vict. No. 23) and *before* Registrars of Marriages (Sec. 2, 60 Vict. No. 13).

Certificate.—Notice must be given to "Registrar-General or Registrar of the district," setting forth names and surnames, professions, conditions and residence of contracting parties, and the place where the marriage is to be celebrated. Where the parties reside in different districts notice must be given to Registrar of each district (Sec. 18, 59 Vict. No. 23) and the certificate issues after seven clear days, the fee being 1s. (Sec. 20).

Licences are granted by all persons empowered to solemnize marriages at fees regulated by the governing body of the religious denomination—Government licence fee £2—(Sec. 17, 59 Vict. No. 23), and authorise the parties to proceed to the celebration of the marriage.

Before any marriage, either by certificate or licence, takes place, a declaration of no legal impediment has to be signed by the parties (Sec. 23, 59 Vict. No. 23).

Minors under 21 not being widows or widowers must obtain consent.

No preliminary residence is necessary for marriage by either certificate or licence.

Papua or British New Guinea.

The Queensland Acts, 28 Vict. No. 15, 34 Vict. No. 8, 36 Vict. No. 12, are in force in this Territory.

NEW ZEALAND.

The Marriage Act, 1904.

Marriage is solemnized on certificate only, and may be so solemnized by any officiating minister whose name is entered upon the Registrar-General's "List of Officiating Ministers"; or before a Registrar of Marriages.

Notice must be given "to the Registrar of the district within which one of the parties shall have dwelt for not less than three days," setting forth names, ages, conditions, callings, residence and

length of residence of the parties, and the church or place where the marriage is to be solemnized (Sec. 17 of 19 of 1904). "If the parties dwell in the districts of different Registrars, the like notice shall be given to the Registrar of each district" (*ibid.*). A declaration has to be made by the person giving notice as to the truth of the particulars therein contained and one of the parties must appear personally before the Registrar and make a declaration of no legal impediment (Sec. 24). "Immediately upon receipt of such notice and upon the making of the declaration required" the Registrar may issue his certificate (Sec. 26). The fees payable are—notice 2s. 6d.; certificate £1; marriage solemnized by Registrar £1.

Minors under 21, not being widows or widowers, require consent, and in case there is no person within the Colony competent to give consent, the certificate cannot issue until 14 days after receipt of notice (Sec. 27 of 19 of 1904). In this case the fee for the Certificate is 5s.

FIJI.

Ordinances X. of 1892, VI. of 1894, IV. of 1903.

Marriage may be solemnized by a "minister of religion ordinarily officiating as such, whose name, designation, and usual residence shall have been registered and continue registered in the office of the Registrar-General," and by the Registrar-General (Sec. 11, Ord. X. of 1892). The only preliminary necessary appears to be the making of a declaration of no legal impediment by the parties (Sec. 13 and Schedule C, Ord. X. of 1892). The fee for a marriage before the Registrar-General is £1.

Consent in writing is necessary for minors under 21 not being widowers or widows.

Quakers and Jews may marry according to their respective usages, and there are special regulations for the marriages of Indian immigrants and native Fijians.

No residential qualification exists.

A marriage may take place at once on declaration being made.

WESTERN PACIFIC (including FRIENDLY, NAVIGATION, UNION, PHOENIX, ELLICE, GILBERT, SOUTHERN SOLOMON, and SANTA CRUZ ISLANDS).

Pacific Orders in Council of 1893 and 8 July, 1907.

Marriage may be solemnized by any "minister of religion ordinarily officiating as such, if he be a British subject, and if his name, designation, and usual place of residence, together with the

place where he officiates, is at the time of the celebration of the marriage registered in the office of the High Commissioner" (Sec. 121 of O. in C., 1893).

One of the parties to the marriage must be a British subject (Sec. 121 of O in C., 1893), and the only preliminary necessary is the making of a declaration of no legal impediment by each of the parties before the minister who celebrates the marriage (Sec. 124 of O. in C., 1893).

The operation of the Order is confined to persons "who would, if in England, be legally competent to contract marriages" (Sec. 121 of O. in C., 1893).

Civil Marriage is provided for by the Order in Council of 8th July, 1907, and may be solemnized before a Registrar of Marriages after due notice and the issue of the Registrar's Certificate.

Notice must be given to the Registrar of the district in which the marriage is to take place (Sec. 6), and the certificate issues after 21 clear days on the making of an affidavit that one of the parties has resided in the district for 15 days preceding, that there is no legal impediment and that the necessary consents have been obtained (Sec. 10). The fees are: entering notice, 3s., issue of certificate, 2s., marriage before Registrar, 4s.

Licence may be issued by the High Commissioner dispensing with the above notice. Fee £1.

Minors under 21, not being widows or widowers, require consent.

INDEX.

	PAGE		PAGE
Africa, Central	33	Malta	16
" East	33	Manitoba	36
Alberta	36	Mauritius	32
Anguilla. (<i>See</i> St. Kitts.)		Montserrat	44
Antigua	42	Natal	29
Australia, South	53	Nevis. (<i>See</i> St. Kitts.)	
" West	54	New Brunswick	37
Bahamas	40	Newfoundland	39
Barbados	48	New Guinea, British	55
Barbuda. (<i>See</i> Antigua.)		New South Wales	52
Basutoland	29	New Zealand	55
Bechuanaland	29	Nigeria, Southern	27
Bermudas	39	North-West Territories	36
Borneo, North... ..	22	Nova Scotia	38
Caicos. (<i>See</i> Turks and Caicos.)		Ontario	34
Canada, Dominion of	34-39	Orange River Colony	30
Cape of Good Hope	28	Pacific, Western	56
Ceylon	19	Papua	55
Columbia, British	35	Prince Edward Island	38
Cyprus	17	Quebec	35
Dominica	44	Queensland	53
England and Wales	3	Redonda. (<i>See</i> Antigua.)	
Falkland Isles	51	Rhodesia, North-Eastern	33
Federated Malay States	21	Saskatchewan	36
Fiji	56	Scotland	6
Gambia	24	Seychelles	32
Gibraltar	16	Sierra Leone, Colony... ..	24
Gold Coast	26	" " Protectorate	26
Gozo. (<i>See</i> Malta)		St. Helena	31
Grenada	45	St. Kitts	43
Guernsey	15	St. Lucia	47
Guiana, British	50	St. Vincent	47
Honduras, British	50	Somaliland	33
Hong Kong	22	Straits Settlements	21
India	18	Tasmania	55
Ireland... ..	7	Tobago. (<i>See</i> Trinidad.)	
Isle of Man	12	Transvaal	31
Jamaica	41	Trinidad	49
Jersey	14	Turks and Caicos	42
Labuan	22	Uganda... ..	33
Lagos	27	Victoria	52
		Virgin Islands	45

E4 JUN 1962 P.T.

