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MADRAS RECORD OFFICE.

Government of Madras.

Public

DEPARTMENT.

G.O. No.	428	Press ~~Mis.~~
Dated	14 - 6 - 1894.	

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—again the following paper:—

Letter, dated 26th February 1894, Mis. No. 138, Public.

Read—the following papers:—

From the Honorable S. SRINIVASA RAGHAVAIYANGAR, Avargal, C.I.E.,
Dewan Bahadur, Registrar-General of Births, Deaths and Marriages,
Madras, to the Chief Secretary to Government, dated Villupuram, 21st
January 1894, T. No. 2.

I have the honour to submit for the orders of Government copies of correspondence noted in the margin between the Senior Marriage Registrar, Madras, and myself, from which it will be seen that the Senior Marriage Registrar requests that a definite rule be laid down as to the period of time during which persons intending to marry under the provisions of Part V of the Indian Christian Marriage Act should have resided within the district of a Marriage Registrar to entitle them to give notice to such Marriage Registrar of the intended marriage and

to make before him the oath required to be made by them under section 42 of the Act in view to the certificate referred to in section 41 being issued.

2. The Act itself contains no provisions prescribing a limit of time such as that referred to. Under the provisions of sub-section 2, section 42, persons intending to marry have to mention in the notice given by them to the Marriage Registrar their "*usual* place of abode." The *usual* place of abode here referred to, I take it, refers to the principal place of residence of the persons during their stay, however short, within the Registrar's district, as opposed to a place of casual resort. In the Indian Christian Marriage Bill of 1871 (vide *Fort St. George Gazette Supplement*, dated 7th November 1871), the minimum period of residence within the Registrar's jurisdiction necessary before notice of intended marriage could be given to the Registrar was fixed at five days. This provision, however, appears to have been omitted in the Act as finally passed, and in lieu of it, it was provided in section 41 that the certificate of notice of marriage should not issue till after the expiration of four days after the receipt of the notice. In these circumstances, it seems to me that persons intending to marry are entitled to give notice of the intended marriage to a Registrar, however short may be their residence within his district.

3. As, however, the Senior Marriage Registrar desires an authoritative ruling on the question raised, and as the point is of importance inasmuch as it may possibly affect the validity of marriages solemnized before Registrars, I beg to refer it for the decision of Government after reference to the Advocate-General if necessary.

ENCLOSURES.

From F. D. BIRD, Esq., Senior Marriage Registrar, Madras, to the Registrar-General of Births Deaths and Marriages, dated Madras, 14th November 1893.

With reference to the enclosed letter of enquiry, I have the honour to bring to your notice that the matter in question is not settled by the Act. As I frequently have cases of the kind may I request that you will obtain a definite ruling on the point for the guidance of all Marriage Registrars?

From HIRASING, Esq., Salvation Army, Madras, to the Registrar of Marriages, dated 9th November 1893.

I shall be obliged if you will kindly favour me with the following information:—Two European British subjects residing in Travancore desire to get married in Madras during next month. What is the least time that they must reside in British territory or in Madras in order to fulfil the law? I enclose envelope for reply and with apologies for troubling you.

From the Honorable S. SRINIVASA RAGHAVAIYANGAR, Dewan Bahadur, C.I.E., Registrar-General of Births, Deaths and Marriages, to the Senior Marriage Registrar Madras, dated Madras, 6th December 1893, G. No. 205.

With reference to your letter of the 14th ultimo, I have the honour to inform you that, as the Indian Christian Marriage Act does not seem to fix any period within which persons who wish to have their marriage solemnized under Part V should reside, I do not understand why any ruling on the point is required. If you will explain in some detail what difficulty is felt in regard to this matter, I will refer it for the orders of Government in view to legal opinion being, if necessary, obtained.

From F. D. BIRD, Esq., Senior Marriage Registrar, Madras, to the Registrar-General of Births, Deaths and Marriages, dated Fort St. George, 12th December 1893.

In reply to your letter, G. No. 205, of the 6th instant, I have the honour to invite your attention to section 42 (b) of Act XV of 1872—the Indian Christian Marriage Act—under which it is necessary for parties desiring marriage to have had their “usual place of abode” within the district of the Marriage Registrar concerned and to certify that fact. As the question of length of residence to constitute “usual abode” is frequently referred to the Registrar, it would be very convenient to have a definite ruling on the point for the guidance of all registrars.

From the Honorable S. SRINIVASA RAGHAVAIYANGAR, Dewan Bahadur, C.I.E., Registrar-General of Births, Deaths and Marriages, to the Senior Marriage Registrar, dated Madras, 15th December 1893, G. No. 207.

With reference to your letter of the 12th instant, I have the honour to inform you that no limit of time has been prescribed by Act XV of 1872 in regard to residence within the district of a Marriage Registrar, to entitle persons intending to marry to give notice thereof to such Registrar. In the Indian Christian Marriage Bill of 1871 (vide *Fort St. George Gazette Supplement* dated 7th November 1871), the minimum period of residence was fixed at 5 days, but this provision was omitted in the Act finally passed. The certificate of notice of marriage cannot, however, be issued under section 41 of the Act till after the expiration of four days after the date of receipt of the notice. “The usual place of abode” referred to in section 42 (b), I take it, has reference to the dwelling place of the persons giving notice, while residing within the district of the Registrar.

2. I have, however, no power to give an authoritative opinion in regard to the interpretation of the provisions of the Act. If after considering what is stated above you still think it desirable that the opinion of the Advocate-General should be obtained on the point, I shall refer the question for the orders of Government.

From F. D. BIRD, Esq., Senior Marriage Registrar, Madras, to the Registrar-General of Births, Deaths and Marriages, dated Fort St. George, 11th January 1894.

With reference to paragraph 2 of your letter, No. 207, of the 15th December last, I have the honour to state that I think it very desirable that a definite decision as to what period constitutes “usual place of abode” should be promulgated for the guidance of Marriage Registrars.

From the Government Solicitor, Madras, dated 10th February 1894, No. 64.

Letter—to the Secretary to the Government of India, Home Department (Ecclesiastical), dated Fort St. George, 26th February 1894, Mis. No. 138, Public.

I am directed to invite attention to section 42 (b) of Act XV of 1872—the Indian Christian Marriage Act—and to request a definite ruling as to the minimum period of time that may be taken to constitute “usual place of abode,” as difficulty has been felt in this Presidency in cases in which parties have desired to give notice to a Marriage Registrar almost directly after arriving in his district.

2. Following the provisions contained in previous Acts, the original Bill of the Indian Christian Marriage Act prescribed a period of residence within the district of a Marriage Registrar preceding the date of the notice therein mentioned. Act XV of 1872 omitted this provision, but inserted a new proviso to the section relating to the issue of the Registrar's certificate, viz., that four days shall elapse between the receipt of the notice to him and the issue of the certificate by him.

3. The form of notice in Schedule I of the Act requires the length of residence within the district to be stated, but the minimum period of residence necessary before notice can be accepted by a Marriage Registrar does not appear to have been laid down and it seems very necessary that it should be for the guidance of Marriage Registrars.

(Signed) J. F. PRICE,
Chief Secretary.

READ—also the following paper:—

From C. J. LYALL, Esq., C.S.I., C.I.E., Secretary to the Government of India, Home Department (Ecclesiastical), to the Chief Secretary to the Government of Madras, dated Simla, the 24th May 1894, No. 132.

I am directed to acknowledge the receipt of your letter, No. 138, Public, dated the 26th February last, stating that difficulty has been experienced in the Madras Presidency with regard to the expression “usual place of abode” in section 42 (b) of Act XV of 1872, and requesting a definite ruling as to the minimum period of time that may be taken to constitute any locality a person's “usual place of abode” within the meaning of that section.

2. In reply, I am to invite a reference to paragraph 3 of the report of the Select Committee appointed in 1872 to consider the Indian Christian Marriage Bill, which shows why an interval of four days between the notice of a marriage and the marriage itself was substituted in the Act for the four days' enforced residence within the district of a Marriage Registrar previous to notice, which was provided for in the original Bill. I am to explain that no fixed number of days' residence can be definitely ruled as constituting a person's “usual place of abode.” The question must be decided on a consideration of all the circumstances of each case and not merely on the point of time. Moreover, the Government of India are advised that, when one of the parties intending marriage has made oath, in accordance with section 42 (b) of Act XV of 1872, in regard to the “usual place of abode,” it is not the usual duty of the Marriage Registrar to question

3. Under the existing law, any person wishing to have his or her marriage solemnized by a licensed Minister is required to reside for four days previous to giving notice of the intended marriage at the place where such notice is given. But although the law requires certain forms to be gone through with the object of giving the utmost possible publicity to any notice of an intended marriage, it suffers such marriage to take place immediately after notice has been given, if the parties to the marriage so desire. We think that an interval of four days between notice and marriage will be advantageously substituted for the four days' enforced residence previous to notice, and we have amended the Bill accordingly.

the oath, as his certificate is only that notice has been given and such oath has been made. If the Registrar knew that the statement made was false, he would be entitled to refuse to act on the oath, but no mere suspicion would warrant his doing so, nor should such a step be taken without clear knowledge on his part.

ORDER—dated 14th June 1894, No. 428, Public.

Communicated to the Registrar-General of Births, Deaths and Marriages, with reference to his letter of the 21st January last, No. 2-T.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To the Registrar-General of Births, Deaths and Marriages.
„ Senior Marriage Registrar, Madras

Gobt. of {1894} Madras.
PUBLIC.

Issued

Read.

Encl.

G.O., 14th June 1894, No. 428.

JUNE.

Indian Christian Marriage Act.

Communicating to the Registrar-General of Births, Deaths and Marriages Government of India's letter regarding the minimum period of time that may be taken to constitute any locality a person's "usual place of abode" within the meaning of section 42 (b) of the —.

[Third Publication.]

The following Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 19th March 1872:—

We, the undersigned, the Members of the Select Committee of the Council of the Governor

General of India for the purpose of making Laws and Regulations, to which the Bill to consolidate and amend the law relating to the solemnization in India of marriages of persons professing the Christian Religion was referred, have the honour to report that we have considered the Bill and the papers noted in the margin.

Office Memorandum, Home Department, No. 316, dated 16th June 1868, forwarding Circular from Home Department, Nos. 307-316, dated 21st July 1865, with replies.
Endorsement, Home Department, No. 476, dated 21st November 1870, forwarding letter from President and Secretary, Bengal Christian Association, dated 20th October 1870, and enclosure.
Office Memorandum, Foreign Department, No. 636G, dated 8th April 1870, forwarding letter from Governor General's Agent, Ráputáun, No. 309G, dated 19th March 1870, and enclosure.
Endorsement, Home Department, No. 5595P, dated 20th December 1871, forwarding letter from President and Sub-Committee of Bengal Christian Association, dated 25th November 1871.
From Reverend James Ross, dated 27th December 1871, forwarding memorial from Ministers of Religion, Calcutta.
" President, Bengal Christian Association, dated 11th January 1872.
" Chief Commissioner, Oudh, No. 238, dated 13th January 1872, and enclosures.
" Reverend C. E. Vines, Agra, dated 8th January 1872.
" H. Stern, Gorakhpúr, dated 18th January 1872.
" Secretary to Chief Commissioner, Central Provinces, No. 210, dated 30th January 1872.
" Officiating Second Assistant Resident, Haiderábad, No. 3, dated 3rd February 1872.
" Reverend T. P. Hughes, Pesháwar, dated 2nd February 1872.
" Secretary to Chief Commissioner, Mysore, No. 447J, dated 9th February 1872, and enclosure.
" Reverend C. B. Leupolt, Benares, dated 13th February 1872.
" Secretary to Government, North-Western Provinces, No. 661A, dated 1st March 1872, and enclosures.
" Secretary to Government, Bengal, No. 749, dated 29th February 1872, and enclosures.
" C. Sanderson, Esq., dated 8th March 1872.
" Secretary to Government, Punjab, No. 785, dated 8th March 1872.
" Secretary to Govt., N. W. Provinces, No. 893A, dated 18th March 1872.

2. To remove the ambiguity of the present law as to the circumstances under which a Clergyman of the Church of England is restrained from solemnizing marriages at any place other than a church, we have explained that the restriction applies to any place within five miles distance from a church.

3. Under the existing law, any person wishing to have his or her marriage solemnized by a licensed Minister is required to reside for four days previous to giving notice of the intended marriage at the place where such notice is given. But although the law requires certain forms to be gone through with the object of giving the utmost possible publicity to any notice of an intended marriage, it suffers such marriage to take place immediately after notice has been given, if the parties to the marriage so desire. We think that an interval of four days between notice and marriage will be advantageously substituted for the four days enforced residence previous to notice, and we have amended the Bill accordingly.

4. We think that, with the alteration of procedure just stated, the fourteen days' delay between the notice and the issue of the Minister's certificate required by the present law where one of the parties to the intended marriage is a minor, may, in cases in which the consent of the person authorized to give consent to such marriage has been obtained, be dispensed with. It is proposed that this relaxation of the existing rule should extend only to cases in which the licensed Minister is satisfied that such consent has been given to the intended marriage.

5. Section 52 of the Bill, as introduced, provided that, when no marriage is registered during any month, a certificate to that effect shall be submitted. We think this involves unnecessary labour and propose that the practice of sending such certificates be discontinued.

6. We have altered section 54 of the Bill as introduced by restricting the proviso thereto so as to make the consent of parents or guardians (where there are any) essential to the validity of certificates for the marriage of Native Christians only when either of the parties to the marriage has not completed his or her eighteenth year; we think that the exception to this rule contemplated by the Bill as originally drawn would have been liable to abuse.

7. We have provided that the ordinary rules of procedure in regard to the registration of marriages shall not be applicable to marriages between Natives of this country. For the record of such marriages, it is proposed to keep distinct registers, and to subject the persons keeping the same to less onerous obligations in the matter of making returns. Some doubt has been experienced as to the intention of the provisions of the existing law on this subject, and it is thought desirable to draw a clear distinction between marriages the record of which is required for statistical purposes in England, and those in regard to which there is no such need.

8. The alteration of the law as regards the interval between notice and issue of certificate of marriage has been applied, in the amended Bill, also to marriages by Registrars, the extent of such interval being made the same in both cases. In the case of minors, no modification of the rule as to delay seems called for, as the law provides a means whereby the persons intending marriage may obtain the issue of certificate without waiting for the expiration of the fourteen days after notice has been given.

9. We have introduced into the amended Bill provisions against the practice of polygamy, under cover of a professed change of religious belief, by persons who have contracted a marriage of the kind provided for by this Bill.

Acts of the Governor of Madras in Council.—(continued.)

Acts and sections containing reference.	Section or Chapter quoted.	Section or Chapter of this Act to be substituted
VIII of 1867, s. 4	152	124
	153	125
	97	183
s. 9	Chap. IV	Sections 139, 140, 144, 141, 147, 142, and Chapter XII.
	Chap. V	Sections 159, 161, 163, 164, 165, 166, 91, 167, 168, 169, 170, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184 and 185.
	Chap. VI	Sections 92, 94, 95, 96, 97, 98, 99, 100, 93, 101, 108 and 430.
	Chap. VII	Section 92, Clause sixth, latter part.
	Chap. VIII	Chapter XXVII and Sections 415 to 420 (both inclusive).
	Chap. IX	Sections 109, 110, 111, 114, 116, 117 first part, 89, 112, 102, 103, 379, 380, 118, 119, 120, 121, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133 and 136.
	With the exception of sections	385
	125	121
	147	121
	148	Re-enacted in Act No. 1 of 1872 (Evidence Act).
	149	
	150	
	154	126
	158	130
	160	132
	161	133
	151	123
III of 1871, s. 132	Chap. XX	Sections 521 to 529 (both inclusive).

Acts of the Governor of Bombay in Council.

Acts and sections containing reference.	Section or Chapter quoted.	Section or Chapter of this Act to be substituted.
VI of 1862, s. 18	61	307
III of 1867, ss. 4 and 6	23	37
II of 1868, s. 15	61	307

Acts of the Lieutenant Governor of Bengal in Council.

Acts and sections containing reference.	Section or Chapter quoted.	Section or Chapter of this Act to be substituted.
II of 1863, s. 7	61	307
VI of 1863, s. 238	61	307
III of 1864, s. 6	23	37
s. 80	61	307
VII of 1864, s. 28	Chap. VIII	Chapter XXVII and Sections 415 to 420 (both inclusive.)
IV of 1865, s. 4	Chap. XV	Chapter XVI and the provisions applicable to summons cases.
II of 1866, s. 48	s. 61	307
V of 1866, s. 51	s. 61	307
II of 1867, s. 14	s. 61	307
III of 1867, s. 17	s. 61	307
V of 1867, s. 4	s. 61	307
IV of 1871, s. 19	Chap. XV	Chapter XVI and the provisions applicable to summons cases.

H. S. CUNNINGHAM,

Off. Secy. to the Council of the Govr. Genl.
for making Laws and Regulations.

10. We have made other verbal alterations and recommend that the Bill as amended by us be passed; but as some of the alterations of the existing law to be effected by this Bill are of an important character, we think that it should be republished for general information before this report is taken into consideration.

F. R. COCKERELL.
J. F. STEPHEN.
J. F. D. INGLIS.
W. ROBINSON.
F. S. CHAPMAN.
J. R. BULLEN SMITH.

The 19th March 1872.

THE INDIAN CHRISTIAN MARRIAGE BILL, 1872.

ARRANGEMENT OF SECTIONS.

Preamble.

PRELIMINARY.

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1. Short title.
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2. Enactments repealed.
3. Interpretation-clause.

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5. Persons by whom marriage may be solemnized.
6. Licenses to solemnize marriage by whom to be granted.
7. Appointment of Marriage Registrars.
Appointment of Senior Marriage Registrar.
When Magistrate to be Marriage Registrar.
8. Appointment of Marriage Registrar in allied Native States.
9. Licensing of persons to grant certificates of marriage between Native Christians.

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66. for forbidding, by false personation, issue of certificate by Marriage Registrar;
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70. for issuing certificate, or marrying, without publication of notice;
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solemnizing marriage with minor within fourteen days, without authority of Court, or without sending copy of notice;
issuing certificate against authorized prohibition.
71. for issuing certificate after expiry of notice, or, in case of minor, within fourteen days after notice, or against authorized forbiddal;
72. for unauthorizedly marrying according to usage of—
the Church of England;
or Church of Scotland;
or Church of Rome;
for issuing certificate or marrying without publishing notice,
or after expiry of certificate;
for issuing certificate for, or solemnizing marriage with minor, within fourteen days after notice;
for issuing certificate authorizedly forbidden;
for solemnizing marriage authorizedly forbidden;
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82. Transmission of certificates of certain marriages to Secretary of State for India.
83. Local Government to prescribe fees.
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SCHEDULE I.—Notice of marriage.

SCHEDULE II.—Certificate of receipt of notice.

SCHEDULE III.—Form of Register of Marriages.

SCHEDULE IV.—Marriage Register Book.
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SCHEDULE V.—Enactments repealed.

A Bill to consolidate and amend the law relating to the solemnization in India of marriages of persons professing the Christian Religion.

WHEREAS it is expedient to consolidate and amend the law relating to the solemnization in India of marriages of persons professing the Christian Religion; It is enacted as follows:—

PRELIMINARY.

Short title. 1. This Act may be called "The Indian Christian Marriage Act, 1872."

Extent. It extends to the whole of British India, and, so far only as regards Christian British subjects of Her Majesty, to the territories of any Native Prince or State in alliance with Her Majesty;

Commencement. and it shall come into operation on the passing thereof.

2. The enactments specified in the fifth schedule hereunto annexed are repealed.

3. In this Act, unless there is something repugnant in the subject or context,—

"Church of England" and "Anglican" mean and apply to the Church of England as by the law established;

"Church of Scotland" means the Church of Scotland as by law established;

"Church of Rome" and "Roman Catholic" mean and apply to the Church which regards the Pope of Rome as its spiritual head;

"Church" includes any chapel or other building generally used for public Christian worship;

"Minor" means a person who has not completed the age of twenty-one years;

"Native Christian" includes the Christian descendants of Natives of India converted to Christianity, as well as such converts.

PART I.

THE PERSONS BY WHOM MARRIAGE MAY BE SOLEMNIZED.

4. Every marriage between persons, one or both of whom professes or profess the Christian Religion, shall be solemnized in accordance with the provisions of the next following section; and any such marriage solemnized otherwise than in accordance with such provisions, shall be void.

Persons by whom marriage may be solemnized. 5. Marriages may be solemnized in India—

(1) by 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;

(2) by any Clergyman of the Church of Scotland, provided that such marriage be solemnized according to the rules, rites, ceremonies, and customs of the Church of Scotland;

(3) by any Minister of Religion who, under the provisions of this Act, or any Act hereby repealed, has obtained a license to solemnize marriages;

(4) by, or in the presence of, a Marriage Registrar appointed under this Act or any Act hereby repealed;

(5) by any person who, with respect to marriages between Native Christians, shall have received a license to grant certificates of marriage.

6. The Governor General of India in Council, the Governors of Madras and Bombay in Council, and the Lieutenant-Governors of Bengal, the North-Western Provinces and the Panjab, may grant licenses to Ministers of Religion to solemnize marriages within the territories under the immediate administration of such Governor General, or subject to such Governors and Lieutenant-Governors respectively, and may revoke such licenses.

7. The Local Government may appoint one or more Marriage Registrars, either by name or as holding any office for the time being, for any portion of the Presidency or territory subject to its administration. But no person shall be a Marriage Registrar who does not profess the Christian Religion.

Where there are more than one Marriage Registrar in any district, the Local Government shall appoint one of them to be the Senior Marriage Registrar.

When there is only one Marriage Registrar in a district, and such Registrar is absent from such district, or ill, or in case of the death of the only Marriage Registrar in a district, or of any temporary vacancy in such office, the Magistrate of such district shall act as, and be, Marriage Registrar thereof during such absence, illness, or temporary vacancy as aforesaid.

8. The Governor General of India in Council may appoint any person being a Christian, to be a Marriage Registrar in any district to be assigned by the Governor General of India in Council, in any place within the territories of any Native Prince or State in alliance with Her Majesty.

9. The Local Government may issue a license to any person, being a Christian, either by name or as holding any office for the time being, authorizing him to grant certificates of marriage between Native Christians. Any such license may be revoked by the Local Government by whom it was granted, and every such grant or revocation shall be notified in the official Gazette.

PART II.

TIME AND PLACE AT WHICH MARRIAGE MAY BE SOLEMNIZED.

10. Every marriage hereafter solemnized in India by any person who has received episcopal ordination, or by any Clergyman of the Church of Scotland, or by any Minister licensed under this Act to solemnize marriages, shall be solemnized between the hours of six in the morning and seven in the evening:

Provided that nothing in this section shall apply to—

(1).—A Clergyman of the Church of England solemnizing a marriage under a special license permitting him to do so at any hour other than between six in the morning and seven in the evening under the hand and seal of the Anglican Bishop of the Diocese or his Commissary.

(2).—A Clergyman of the Church of Rome solemnizing a marriage between the hours of seven in the evening and six in the morning, when he has received a general or special license in that behalf from the Roman Catholic Bishop of the Diocese or Vicariate in which such marriage is so solemnized, or from such person as the same Bishop has authorized to grant such license.

11. No Clergyman of the Church of England shall solemnize a marriage in any building or place other than a church, where there is a church within five miles

distance from such building or place, unless he has received a special license authorizing him to do so under the hand and seal of the Bishop of the Diocese or from the Commissary of such Bishop.

For such special license, the Registrar of the Diocese shall be entitled to charge such additional fee as the said Bishop may sanction.

PART III.

MARRIAGES SOLEMNIZED BY MINISTERS OF RELIGION LICENSED UNDER THE ACT.

12. In all cases in which a marriage is intended to be solemnized by a Minister of Religion who has obtained a license to solemnize marriages under this Act, or any Act hereby repealed,—

one of the persons intending marriage shall give notice in writing, according to the form contained in the first schedule hereto annexed, or to the like effect, to the Minister of Religion whom he or she desires to solemnize the marriage and shall state therein the name or names, and the profession or condition, of each of the persons intending marriage, the dwelling place of each of them, and the time during which each has dwelt there, and the church or private dwelling in which the marriage is to be solemnized:

Provided that, if either of such persons shall have dwelt in the place stated in the notice during more than one month, it may be stated therein that he or she has dwelt there one month and upwards.

13. If the Minister of Religion to whom such notice has been delivered be entitled to officiate in the church in which it is intended to solemnize the said marriage, he shall publish

every notice of marriage received by him, by causing the same to be published and affixed in some conspicuous part of such church.

If such Minister of Religion is not entitled to officiate as a Minister in such church, he shall, at his option, either return the notice to the person delivering the same to him, or deliver it to some other Minister entitled to officiate therein, who shall thereupon cause the notice to be so published and affixed as aforesaid.

14. If it be intended that the marriage shall be solemnized in a private dwelling, the Minister of Religion, on receiving the notice prescribed in section twelve, shall forward it to the Marriage Registrar of the district, who shall affix the same to some conspicuous place in his own office.

15. When one of the persons intending marriage (not being a widow or widower) is a minor, every such Minister as aforesaid, who receives such notice, shall, unless within twenty-four hours after his receipt thereof he returns the same to the person from whom it was received under the provisions of section thirteen, send by the post or otherwise, a copy of such notice to the Marriage Registrar of the district, or, if there be more than one Registrar of such district, to the Senior Marriage Registrar.

16. The Marriage Registrar or Senior Marriage Registrar, on receiving any such notice, shall affix the same to some conspicuous place in his own office, and the latter shall further cause a copy of the said notice to be sent to each of the other Marriage Registrars in the same district, who shall likewise publish the same in the manner above directed.

17. Any Minister of Religion consenting or intending to solemnize any such marriage as aforesaid, shall, on being required so to do by or on behalf of the person by whom the notice was given, and upon one of the persons intending marriage making such declaration as is hereinafter required, issue under his hand a certificate of such notice having been given and of such declaration having been made:

Provided that—

(1) no such certificate shall be issued until the expiration of four days after the date of the receipt of the notice by such Minister;

(2) no lawful impediment, according to the law of England, be shown to his satisfaction why such certificate should not issue, and

(3) the issue of such certificate shall not have been sooner forbidden in the manner hereinafter mentioned by any person authorized in that behalf.

18. The certificate mentioned in section seventeen shall not be issued until one of the persons intending marriage shall have appeared personally before the Minister and

Declaration to be made before issue of certificate.

made a solemn declaration that he or she believes that there is not any impediment of kindred or affinity or other lawful hindrance to the said marriage, and, when either or both of the parties, not being a widower or widow, is or are a minor or minors, that the consent of the person or persons whose consent to such marriage is required by law has been obtained thereto, or that there is or are no person or persons resident in India having authority to give such consent, as the case may be.

19. The father, if living, of any minor, not being a widower or widow, or, if the father be dead, the guardian of the person of such minor, and, in case there be no such guardian, then the mother of such minor, may give consent to the minor's marriage, and such consent is hereby required for the same marriage, unless no person authorized to give such consent be resident in India.

20. Every person whose consent to a marriage is required under section nineteen, is hereby authorized to prohibit the grant of the certificate by any Minister, at any time before the issue of the same, by notice in writing to such Minister, subscribed by the person so authorized with his or her name and place of abode and position with respect to either of the persons intending marriage, by reason of which he or she is so authorized as aforesaid.

21. If any such notice prohibiting the marriage be received by such Minister as aforesaid, he shall not issue his certificate and shall not solemnize the said marriage until he has examined into the matter of the said prohibition, and is satisfied that the person prohibiting the marriage has no lawful authority for such prohibition, or until the said notice is withdrawn by the person who gave it.

22. When either of the persons intending marriage is a minor and the Minister is not satisfied that the consent of the person whose consent to such marriage is required by section nineteen has been obtained, such Minister shall not grant such certificate until the expiration of fourteen days after the receipt by him of such notice of marriage.

23. When any Native Christian about to be married takes a notice of marriage to a Minister of Religion, or applies for a certificate from such Minister under section seventeen, such Minister shall, before issuing such certificate, ascertain whether such Native Christian is cognizant of the purport and effect of the said notice or certificate, as the case may be, and, if not, shall translate or cause to be translated such notice or certificate to such Native Christian into his language, or into some language which he understands.

24. The certificate to be issued by such Minister as aforesaid shall be in the form contained in the second schedule hereto annexed, or to the like effect.

25. After the issue of the certificate by such Minister of Religion, marriage may be solemnized between the persons therein described according to such form or ceremony as the Minister thinks fit to adopt: Provided that the marriage be solemnized in the presence of at least two witnesses.

26. Whenever a marriage is not solemnized within two months after the date of the certificate which has been issued by such Minister as aforesaid, such certificate and all other proceedings thereon shall be void, and no person shall proceed to solemnize the said marriage until new notice has been given and a certificate thereof issued in the manner aforesaid.

PART IV.

REGISTRATION OF MARRIAGES.

27. All marriages hereafter solemnized in India between persons one or both of whom professes or profess the Christian Religion, except marriages solemnized under Parts V and VI of this Act, shall be registered in the manner hereinafter prescribed: Provided that no omission or defect in such registration shall invalidate any marriage not otherwise invalid.

28. Every marriage solemnized by a Clergyman of the Church of England shall be registered by the Clergyman solemnizing the same in a register of marriages to be kept by him according to the form contained in the third schedule hereto annexed.

29. Every Clergyman of the Church of England shall send four times in every year returns in duplicate, authenticated by his signature, of the entries in the register of marriages solemnized at or in any station or district at which he has any spiritual charge, to the Registrar of the Archdeaconry to which he is subject, or within the limits of which such station or district is situated.

Such quarterly returns shall contain all the entries of marriages contained in the said register from the first day of January to the thirty-first day of March, from the first day of April to the thirtieth day of June, from the first day of July to the thirtieth day of September, and from the first day of October to the thirty-first day of December, of each year respectively, and shall be transmitted by such Clergyman within two weeks from the expiration of each of the quarters above specified. The said Registrar upon receiving the same shall transmit one copy to the Secretary to the Local Government.

30. Every marriage solemnized by a Clergyman of the Church of Rome shall be registered by the person and according to the form directed in that behalf by the Roman Catholic Bishop of the Diocese or

Vicariate in which such marriage is solemnized, and such person shall forward quarterly to the Secretary to the Local Government returns of the entries of all marriages registered by him during the three months next preceding.

31. Every marriage solemnized by a Clergyman of the Church of Scotland, and such person shall be registered by the Clergyman solemnizing the same in a register of marriages to be kept by him for the station or district in which the marriage is solemnized in the form prescribed in section twenty-eight for marriages solemnized by Clergymen of the Church of England, and such Clergyman shall forward quarterly to the Secretary to the Local Government, through the Senior Chaplain of the Church of Scotland, returns similar to those prescribed in section twenty-nine for Clergymen of the Church of England, of all marriages solemnized by him.

32. Every marriage solemnized by any person authorized to solemnize marriages under clauses (1) and (3) of section five other than the persons mentioned in sections twenty-eight and thirty, shall be registered in duplicate by the person solemnizing the same in a marriage register book to be kept by him for that purpose, according to the form contained in the fourth schedule hereto annexed, and also in a certificate attached to the marriage register book as a counterfoil.

33. The entry of such marriage in both the certificate and marriage register book shall be signed by the person by whom the said marriage has been solemnized, and also by the persons married, and shall be attested by two credible witnesses who were present at the solemnization of the marriage, and every such entry shall be made in order from the beginning to the end of the book, and the number of the certificate shall correspond with that of the entry in the marriage register book.

34. The person solemnizing the said marriage shall forthwith separate the certificate from the marriage register book and send it within one month from the time of the solemnization of such marriage to the Marriage Registrar of the district in which the marriage was solemnized, or, if there be more Marriage Registrars than one, to the Senior Marriage Registrar, who shall cause such certificate to be copied into a book to be kept by him for that purpose, and shall send all the certificates which he has received during the month, with such number and signature or initials added thereto as are hereinafter required, to the Secretary to the Local Government.

35. Such copies shall be entered in order from the beginning to the end of the said book, and shall bear both the number of the certificate as copied, and also a number to be entered by the Marriage

Registrar, indicating the number of the entry of the said copy in the said book, according to the order in which each certificate was received by the said Marriage Registrar.

36. The Marriage Registrar shall also add such last-mentioned number of the entry of the copy in the book to the certificate, with his signature or initials, and shall, at the end of every month, transmit the same to the Secretary to the Local Government.

37. When any marriage between Native Christians is solemnized under Part I or III of the Act, the person solemnizing the same shall, instead of proceeding in the manner provided by sections twenty-eight to thirty-six, both inclusive, register such marriages in a separate register book, and shall keep safely the said register book until the same shall be filled, or, if he shall leave the district in which he solemnized the marriage before the said book is filled, shall make over the same to the person succeeding to his duties in the said district.

And the person having the control of the book at the time when it shall be filled, shall send the same to the Marriage Registrar of the district, or, if there be more Marriage Registrars than one, to the Senior Marriage Registrar, who shall send it to the Secretary to the Local Government to be kept by him with the records of his office.

The provisions of sections sixty-two and sixty-three as to the form of the Register book, the deposit of extracts therefrom, and the granting searches and copies of the contents of such register, shall apply to the Register books kept under this section.

PART V.

MARRIAGES SOLEMNIZED BY, OR IN THE PRESENCE OF, A MARRIAGE REGISTRAR.

38. When a marriage is intended to be solemnized by, or in the presence of, a Marriage Registrar, one of the parties to such marriage shall give notice in writing, in the form contained in the first schedule hereto annexed, or to the like effect, to any Marriage Registrar of the district within which the parties shall have dwelt, or, if the parties dwell in different districts, shall give the like notice to a Marriage Registrar of each district, and shall state therein the name and surname, and the profession or condition, of each of the parties intending marriage, the dwelling place of each of them, and the place in which the marriage is to be solemnized.

Provided that, if either party has dwelt in the place stated in the notice during more than one month, it may be stated therein that he or she had dwelt there one month and upwards.

39. Every Marriage Registrar shall, on receiving any such notice, publish the same, by causing a copy thereof to be affixed in some conspicuous place in his office.

When one of the parties intending marriage (not being a widower or widow) is under twenty-one years of age, every Marriage Registrar shall, within twenty-four hours after the receipt by him of the notice of such marriage, send, by the post or otherwise, a copy of such notice to all the other Marriage Registrars (if any) in the same district, who shall likewise affix the same in some conspicuous place in their own offices as aforesaid.

40. The Marriage Registrar shall file all such notices and keep them with the records of his office, and shall also forthwith enter a true copy of all such notices in a book to be for that purpose furnished to him by the Local Government, to be called the "Marriage Notice Book," and the Marriage Notice Book shall be open at all reasonable times, without fee, to all persons desirous of inspecting the same.

41. The Marriage Registrar, upon being requested so to do by or on behalf of the party by whom the notice was given, and one of the parties intending marriage having made oath or declaration as hereinafter required, shall issue under his hand a certificate of such notice having been given and of such oath or declaration having been made:

Provided that no lawful impediment according to the law of England be shown or issue not forbidden: the Marriage Registrar why such certificate should not issue, and the issue of such certificate has not been sooner forbidden, in manner hereinafter mentioned, by any person or persons authorized in that behalf by this Act:

Provided also that in no case shall the certificate be issued until the expiration of four days after the receipt of the notice, and further that where, by such oath or declaration, it appears that one of the parties intending marriage (not being a widower or widow) is under twenty-one years of age, the Marriage Registrar shall not issue his certificate until the expiration of fourteen days after the entry of such notice of marriage.

42. The certificate mentioned in section forty-one shall not be issued by any Marriage Registrar, until one of the parties intending marriage shall appear personally before such Marriage Registrar, and shall make oath that he or she believes that there is not any impediment of kindred or affinity, or other lawful hindrance, to the said marriage, and that both the parties have, or (where they have dwelt in the districts of different Marriage Registrars) that the party making such oath hath, had their, his or her usual place of abode within the district of such Marriage Registrar, and where either or each of the parties, not being a widower or widow, is under the age of twenty-one years,

that the consent of the person or persons whose consent to such marriage is required by law has been obtained thereto, or that there is no person resident in India having authority to give such consent, as the case may be.

43. When one of the parties intending marriage (not being a widower or widow) is under twenty-one years of age, and both parties intending marriage are at the time resident in any of the towns of Calcutta, Madras or Bombay, and are desirous of being married in less than fourteen days after the entry of such notice as aforesaid, both parties intending marriage may apply by petition to the High Court of such town, or any Judge thereof, for an order upon the Marriage Registrar to whom the notice of marriage has been given, directing him to issue his certificate before the expiration of the said fourteen days required by section forty-one.

And the said High Court, or any Judge thereof may, on sufficient cause being shown in its or his discretion, make an order upon such Marriage Registrar, directing him to issue his certificate at any time to be mentioned in the said order before the expiration of the said fourteen days required by section forty-one; and the said Marriage Registrar, on receipt of the said order, shall issue his certificate in accordance therewith.

44. The provisions of section nineteen shall apply to any marriage under this Part, either of the parties to which (not being a widower or widow) is a minor, and any person whose consent to such marriage would be required thereunder may enter a protest against the issue of the Marriage Registrar's certificate, by writing, at any time before the issue of such certificate, the word "forbidden," opposite to the entry of the notice of such intended marriage in the Marriage Notice Book, and by subscribing thereto his or her name and place of abode, and his or her character in respect of either of the parties, by reason of which he or she is so authorized;

When such protest has been entered, no certificate shall issue until the Marriage Registrar has examined into the matter of the protest, and is satisfied that it ought not to obstruct the issue of the certificate for the said marriage, or until the protest be withdrawn by the party who entered the same.

45. If any person whose consent is necessary to any marriage under this Part is *non compos mentis*, or if any such person (other than the father) without just cause withholds his or her consent to the marriage, the parties intending marriage may apply by petition, where the person whose consent is necessary is resident within any of the towns of Calcutta, Madras and Bombay to the High Court, or if the person is not resident within any of the said towns, then to the Judge of the district within which such person is resident;

and the said Court or any Judge thereof or the said Judge of the district may examine the allegations of the petition in a summary way.

If upon examination such marriage appears proper, such High Court or any Judge thereof or such Judge of the district shall declare the marriage to be a proper marriage, and such declaration shall be as good and effectual as if the person whose consent was needed had consented to the marriage; and if such person has forbidden the issue of the Marriage Registrar's certificate, such certificate shall be issued and the like proceedings may be had under this Part in relation to the marriage as if the issue of such certificate had not been forbidden by such person.

46. Whenever a Marriage Registrar has refused to issue a certificate under this Part, either of the parties intending marriage may apply by petition, where the district of such Registrar is within any of the towns of Calcutta, Madras and Bombay to the High Court, or if such district is not within any of the said towns, then to the Judge of the said district; and the said Court or any Judge thereof or the Judge of the district may examine the allegations of the petition in a summary way, and shall decide thereon. The decision of such Court or any Judge thereof or of the District Judge shall be final, and the Marriage Registrar to whom the application for the issue of a certificate was originally made shall proceed in accordance therewith.

47. Whenever a Marriage Registrar resident in the territories of any Native Prince or State in alliance with Her Majesty, refuses to issue his certificate, either of the parties intending marriage may apply by petition to the Governor General of India in Council, who shall decide thereon; such decision shall be final, and the Marriage Registrar to whom the application was originally made shall proceed in accordance therewith.

48. Whenever a Marriage Registrar, acting under the provisions of section forty-four, is not satisfied that the person forbidding the issue of the certificate is authorized by law so to do, the said Marriage Registrar shall apply by petition, where the district of such Registrar is within any of the towns of Calcutta, Madras and Bombay, to the High Court of Judicature in the Presidency or place within which such district is comprised, or, if such district be not within any of the said towns, then to the Judge of the district within which the same is comprised.

The said petition shall state all the circumstances of the case, and pray for the order and direction of the Court concerning the same and the said High Court, or any Judge thereof, or such Judge of the district, shall examine into the allegations of the petition and the circumstances of the case, and if, upon such examination, it shall appear that the person forbidding the issue of such certificate is not authorized by law so to do, such

High Court or any Judge thereof or such Judge of the district, shall declare that the person forbidding the issue of such certificate is not authorized as aforesaid, and then, and in such case, such certificate shall be issued, and the like proceedings may be had in relation to such marriage as if the issue of such certificate had not been forbidden by such person.

In all cases where a Marriage Registrar appointed under section eight, to act within the territories of any Native Prince or State in alliance with Her Majesty, is not satisfied that the person forbidding the issue of the certificate is authorized by law so to do, the said Marriage Registrar shall transmit a statement of all the circumstances of the case, together with all the documents and papers relating thereto, to the Governor General of India in Council; and, if it appears to the Governor General of India in Council that the person forbidding the issue of such certificate is not authorized by law so to do, the Governor General of India in Council shall declare that the party forbidding the issue of such certificate is not authorized as aforesaid, and such certificate shall be then, and in such case, such certificate shall be issued, and the like proceedings may be had in relation to such marriage as if the issue of such certificate had not been forbidden by such person.

49. Every person entering a protest with the Marriage Registrar, under this Part against the issue of any certificate on grounds which such Marriage Registrar, under section forty-four, or the High Court or Judge thereof, or the District Judge, under section forty-five or forty-six, declares to be frivolous and such as ought not to obstruct the issue of the certificate, shall be liable for the costs of all proceedings in relation thereto and for damages to be recovered by suit by the person against whose marriage such protest was entered.

50. The certificate to be issued by the Marriage Registrar under the provisions of section forty-one shall be in the form contained in the second schedule to this Act annexed, or to the like effect, and the Local Government shall furnish to every Marriage Registrar a sufficient number of forms of certificate.

51. After the issue of the certificate of the Marriage Registrar, or where notice is required to be given under this Act to the Marriage Registrars for the different districts, after the issue of the certificates of the Marriage Registrars for such districts, marriage may, if there be no lawful impediment to the marriage of the parties described in such certificate or certificates, be solemnized between such parties, according to such form and ceremony as they think fit to adopt. But every such marriage shall be solemnized between the hours of six in the morning and seven in the evening, in the presence of some Marriage Registrar (to whom shall be delivered such certificate or certificates as aforesaid) and of two or more witnesses,

and in some part of the ceremony each of the parties shall declare as follows or to the like effect—

and in some part of the ceremony each of the parties shall declare as follows or to the like effect—

"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."

And each of the parties shall say to the other as follows or to the like effect—"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]."

52. Whenever a marriage is not had within three months after the notice has been entered by the Marriage Registrar, as required by section thirty-nine, the notice and the certificate, if any, issued thereupon, and all other proceedings thereupon, shall be utterly void; and no person shall proceed to solemnize the marriage, nor shall any Marriage Registrar enter the same, until new notice has been given, and entry made, and certificate thereof given, at the time and in the manner aforesaid.

53. A Marriage Registrar before whom any marriage is solemnized under this Part may ask of the persons to be married the several particulars required to be registered touching such marriage.

54. After the solemnization of any marriage under this Part, the Marriage Registrar present at the solemnization thereof shall forthwith register such marriage in duplicate, that is to say, in a Marriage Register Book, according to the form of the fourth schedule hereto annexed, and also in a certificate attached to the Marriage Register Book as a counterfoil; and the entry of such marriage in both the certificate and the Marriage Register Book shall be signed by the person by or before whom the marriage has been solemnized, if there be any such person, and by the Marriage Registrar present at such marriage, whether or not the marriage is solemnized by him, and also by the parties married, and attested by two witnesses.

Every such entry shall be made in order from the beginning to the end of the book, and the number of the certificate shall correspond with that of the entry in the Marriage Register Book.

55. The Marriage Registrar shall forthwith separate the certificate from the Marriage Register Book and transmit it, at the end of every month, to the Secretary to the Local Government.

The Marriage Registrar shall keep safely the said Register Book until it be filled, and shall then transmit the same to the Secretary to the Government, or to such other officer as aforesaid, to be kept by him with the records of his office.

56. The Marriage Registrars in the territories of any Native Prince or State in alliance with Her Majesty, shall transmit the certificates mentioned in section fifty-seven to the Secretary for the Foreign Department of the Government of India.

57. When any Native Christian about to be married applies for or tenders a notice of marriage, or applies for a certificate from a Marriage Registrar, such Marriage Registrar shall ascertain whether the said Native Christian understands the English language, and, if he does not, the said Marriage Registrar shall translate such notice or certificate, or both of them, as the case may be, or shall cause the same to be translated to such Native Christian in the language of such Native Christian, or the said Marriage Registrar shall otherwise ascertain whether such Native Christian is cognizant of the purport and effect of the said notice and certificate.

58. When any Native Christian is married under the provisions of this Part, the party solemnizing the said marriage shall ascertain whether such Native Christian understands the English language, and, if he does not, the party solemnizing the said marriage shall, at the time of the solemnization thereof, translate, or cause to be translated, to such Native Christian, in the language of such Native Christian, the declarations made at such marriage in accordance with the provisions of this Act.

59. The registration of marriages between Native Christians under this Part shall be conducted in conformity to the rules laid down in section thirty-seven (so far as they are applicable), and not otherwise.

PART VI.

MARRIAGE OF NATIVE CHRISTIANS.

60. Every marriage between Native Christians applying for a certificate, shall, without the preliminary notice required under Part III, be certified under this Part, if the following conditions be fulfilled, and not otherwise:—

(1.) The age of the man intending to be married shall exceed sixteen years, and the age of the woman intending to be married shall exceed thirteen years:

(2.) The man and the woman shall not stand to each other within the prohibited degrees of consanguinity or affinity:

(3.) Neither of the persons intending to be married shall have a wife or husband still living:

(4.) In the presence of the person licensed under section nine, and of at least two credible witnesses, each of the parties shall say to the other—

"I call upon these persons here present to witness that I, A. B., in the presence of Almighty God, and in the name of our Lord Jesus Christ,

do take thee, C. D., to be my lawful wedded wife [or husband],” or words to the like effect:

(5.) Such declaration shall be made between the hours of six in the morning and seven in the evening:

Provided that no marriage shall be certified under this Part when either of the parties intending to be married has not completed his or her eighteenth year, unless such consent as is mentioned in section nineteen has been given to the intended marriage, or unless it appears that there is no person living authorized to give such consent.

61. When, in respect to any marriage falling under this Part, the conditions prescribed in section sixty have been fulfilled, the person licensed as aforesaid, in whose presence the said declaration shall have been made, shall, on the application of either of the parties to such marriage, and on the payment of a fee of four annas, grant a certificate of such marriage. Such certificate shall be signed by such licensed person, and shall be received in any suit touching the validity of such marriage as conclusive evidence of the same marriage having been performed.

62. A Register Book of all marriages of which certificates are granted under section sixty-one, shall be kept by the person granting such certificates in his own vernacular language. Such Register Book shall be kept according to such form as the Local Government from time to time prescribes, and the said book or true extracts therefrom, duly authenticated, shall be deposited at such places and at such times as the Local Government directs.

63. Every person licensed under this Act to search in Register grant certificates of marriage Book to be allowed and keeping a Marriage Register Book under section sixty-two, shall, at all reasonable times, allow search to be made in such book, and shall, on payment of the fees prescribed by the Local Government under section eighty-three give a copy, certified under his hand, of any entry or entries in the same.

64. This Part of this Act, except so much of Part VI not to apply to Roman Catholics. Saving of certain marriages. Roman Catholics. But nothing herein contained shall be construed to invalidate any marriage contracted between Roman Catholics under the provisions of Part V of Act No. XXV of 1864, previous to the repeal of that Act.

PART VII.

PENALTIES.

65. Whoever intentionally makes any false oath or declaration, or signs any false notice or certificate required by this Act, for the purpose of procuring any marriage, shall be deemed guilty of the offence described in section one

hundred and ninety-three of the Indian Penal Code.

66. Whoever forbids the issue by a Marriage Registrar of a certificate by falsely representing himself or herself to be a person whose consent to the marriage is required by law, knowing such representation to be false, shall be deemed guilty of the offence described in section two hundred and five of the Indian Penal Code.

67. Whoever, not being authorized under this Act to solemnize a marriage in the absence of a Marriage Registrar of the district in which such marriage is solemnized, knowingly solemnizes a marriage between persons one or both of whom professes or profess the Christian Religion, shall be punished with imprisonment which may extend to ten years, and shall also be liable to fine; or, in lieu of a sentence of imprisonment for seven years or upwards, to transportation for a term of not less than seven years and not exceeding ten years;

or, if the offender be an European or American, to penal servitude according to the provisions of Act No. XXIV of 1855 (to substitute penal servitude for the punishment of transportation in respect of European and American convicts, and to amend the law relating to the removal of such convicts).

68. Whoever knowingly and wilfully solemnizes a marriage between persons one or both of whom professes or profess the Christian Religion at any time other than between the hours of six in the morning and seven in the evening, or in the absence of at least two credible witnesses, shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

The provisions of this section shall not apply to marriages solemnized under special licenses granted by the Anglican Bishop of the Diocese or by his Commissary, nor to marriages performed between the hours of seven in the evening and six in the morning by a Clergyman of the Church of Rome, when he has received the general or special license in that behalf mentioned in section ten.

69. Any Minister of Religion licensed to solemnize marriages under this Act, who, without a notice in writing, or when one of the parties to the marriage, not being a widower or widow, is a minor, and the required consent of the parents or guardian to such marriage has not been obtained, within fourteen days after the receipt by him of notice of such marriage, knowingly and wilfully solemnizes a marriage under Part III, shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

70. A Marriage Registrar under this Act, who for issuing certificate, commits any of the following offences; (1) knowingly and wilfully issues any certificate for marriage, or solemnizes any marriage, without publishing or affixing in some conspicuous place the notice of such marriage as directed by this Act;

(2) after the expiration of two months after a certificate in respect of a marriage shall have been issued by him, solemnizes such marriage;

(3) without an order of a competent Court authorizing him to do so, solemnizes any marriage when one of the persons intending marriage (not being a widower or widow) is a minor before the expiration of fourteen days after the receipt of such notice, or without sending, by the post or otherwise, a copy of such notice of marriage to the Senior Marriage Registrar of the district (if there be more Marriage Registrars of the district than one), and, if he himself be not the Senior Marriage Registrar;

(4) issues any certificate, the issue of which shall have been prohibited as in this Act provided by any person authorized to prohibit the issue thereof,

shall be punished with imprisonment for a term which may extend to five years, and shall also be liable to fine.

71. Any Marriage Registrar knowingly and wilfully issuing any certificate for marriage after the expiration of three months after the notice has been entered by him as aforesaid, or knowingly and wilfully issuing, without the order of a competent Court authorizing him so to do, any certificate for marriage, where one of the parties intending marriage (not being a widower or widow) is under twenty-one years of age, before the expiration of fourteen days after the entry of such notice or any certificate the issue of which has been forbidden as aforesaid by any person authorized to forbid such issue, shall be deemed to have committed an offence under section one hundred and sixty-six of the Indian Penal Code.

72. Whoever, being a person authorized under the provisions of this Act to solemnize a marriage,

and not being a Clergyman of the Church of England, solemnizing a marriage after due publication of banns or under a license from the Anglican Bishop of the Diocese or a surrogate duly authorized in that behalf,

or, not being a Clergyman of the Church of Scotland, solemnizing a marriage according to the rules, rites, ceremonies, and customs of that church,

or, not being a Clergyman of the Church of Rome, solemnizing a marriage according to the rites, rules, ceremonies, and customs of that church,

knowingly and wilfully issues any certificate for marriage under this Act, or solemnizes any marriage between such persons as aforesaid, without publishing, or causing to be affixed, the notice of such marriage as directed in Part III of this Act, or after the expiration of two months after the certificate shall have been issued by him;

or knowingly and wilfully issues any certificate for marriage, or solemnizes a marriage between such persons when one of the persons intending marriage, not being a widower or widow, is a minor, before the expiration of fourteen days after the receipt of notice of such marriage, or without sending, by the post or otherwise, a copy of such notice to the Marriage Registrar, or, if there be more Marriage Registrars than one, to the Senior Marriage Registrar of the district;

or knowingly and wilfully issues any certificate, the issue of which has been forbidden under this Act by any person authorized to forbid the issue;

or knowingly and wilfully solemnizes any marriage forbidden by any person authorized to forbid the same,

shall be punished with imprisonment for a term which may extend to four years, and shall also be liable to fine.

73. Whoever, not being licensed to grant a certificate of marriage under Part VI of this Act, grants such certificate intending thereby to make it appear that he is so licensed, shall be punished with imprisonment for a term which may extend to five years, and shall also be liable to fine.

74. Whoever wilfully destroys or injures, or causes to be destroyed or injured, any Register book or the counterfoil certificates thereof, or any part thereof, or any authenticated extract therefrom,

or falsely makes or counterfeits any part of such Register book or counterfoil certificates,

or wilfully inserts, or causes to be inserted, any false entry in any such Register book or counterfoil certificate or authenticated extract,

shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

75. All prosecutions under this Act shall be commenced within the space of two years after the offence is committed.

PART VIII.

MISCELLANEOUS.

76. No European British subject and no person domiciled in any country by the law of which polygamy is prohibited shall acquire a right to practise polygamy by any change in his religious belief.

77. If any person who has contracted any such marriage as is provided for by this Act, or any other marriage which by the law to which he is subject would render any subsequent marriage during its continuance illegal, marries any other person during the continuance of such marriage, he shall, whatever religion he may profess at the time of such subsequent marriage, be deemed guilty of the offence described in section four hundred and ninety-four of the Indian Penal Code, and every such subsequent marriage shall be void.

78. Whenever any marriage has been solemnized in accordance with the provisions of sections four and five, it shall not be void merely on account of any irregularity in respect of any of the following matters, namely:

(1).—Any statement made in regard to the dwelling of the persons married, or the consent of any person whose consent to such marriage is required by law:

(2).—The notice of the marriage:

(3).—The certificate or translation thereof:

(4).—The time at which the marriage may have been solemnized—

79. Every person charged with the duty of registering any marriage, who shall discover any error to have been committed in the form or substance of any entry, may, within one month next after the discovery of such error, in the presence of the persons married, or, in case of their death or absence, in the presence of two other credible witnesses, who shall respectively attest the same, correct the erroneous entry according to the truth of the case, by entry in the margin without any alteration of the original entry, and shall sign the marginal entry, and add thereunto the day of the month and year when such correction shall be made, and such person shall make the like marginal entry, attested in the like manner, in the certificate thereof.

And, in case such certificate has been already transmitted to the Secretary to the Local Government, such person shall make and transmit in like manner a separate certificate of the original erroneous entry, and of the marginal correction therein made.

80. Every person solemnizing a marriage under this Act, and hereby required to register the same, and every Marriage Registrar or Secretary to a Local Government having the custody for the time being of any register of marriages, or of any certificate or copies of certificate under this Act, shall, at all reasonable times, allow searches to be made of any marriage Register book, or of any certificate, or duplicate, or copies of certificate, in his custody, and shall give a copy under his hand of any entry in the same, on the payment of the fees prescribed by the Local Government under section eighty-three.

81. Every certified copy, purporting to be signed by the person entrusted under this Act with the custody of any marriage register or certificate, or duplicate certificate, required to be kept or delivered under this Act, of any entry of a marriage in such register, or of any such certificate or duplicate certificate, shall be received as evidence of the marriage purporting to be so entered, or of the facts purporting to be so certified therein, without further proof of such register or certificate, or duplicate copy, or of any entry therein, respectively, or of such copy.

82. The Secretary to the Local Government shall, at the end of every quarter in each year, select from the certificates of marriages forwarded to him during such quarter, the certificates of the marriages of which the Governor General of India in Council may desire that evidence shall be transmitted to England, and forward the same certificates signed by him to the Secretary of State for India for the purpose of being delivered to the Registrar General of Births, Deaths, and Marriages.

83. The Local Government shall determine what fees shall be chargeable under this Act for

the receipt and publication of notices of marriages:

the issue of certificates of marriage and the registration of marriages by Marriage Registrars;

and for the entry of protests with, or prohibitions of, the issue of marriage certificates by the said Registrars;

for searching Register books, or certificates, or duplicates, or copies thereof;

and for the issue of copies of entries in the same under sections sixty-three and eighty;

and may from time to time vary or remit such fees either generally or in special cases, as to it may seem fit.

84. The Local Government may make rules in regard to the disposal of the fees mentioned in section eighty-three, the supply of Register books, and the preparation and submission of returns of marriages solemnized under this Act.

SCHEDULE I.

NOTICE OF MARRIAGE.

To a Minister [or Registrar] of

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

Names.	Condition.	Rank or profession.	Age.	Dwelling place.	Length of residence.	Church, chapel or place of worship in which the marriage is to be solemnized.	District in which the other party resides, when the parties dwell in different districts.
James Smith.	Widower.	Carpenter.	Of full age.	16, Cline Street.	23 days.	Free Church of Scotland Church, Calcutta.	
Martha Green.	Spinster.		Minor.	20, Hastings Street.	More than a month.		

Witness my hand, this day of seventy-two.

(Signed) JAMES SMITH.

[The *Italics* in this schedule are to be filled up as the case may be, and the blank division thereof is only to be filled up when one of the parties lives in another district.]

SCHEDULE IV.
MARRIAGE REGISTER BOOK.

Number.	WHEN MARRIED.		NAMES OF PARTIES.		Age.	Condition.	Rank or profession.	Residence at the time of marriage.	Father's name and surname.
	Day.	Month. Year.	Christian Name.	Surname.					
1			James	White	26 years	Widower	Carpenter	Agra	William White.
			Martha	Duncan	17 years	Spinster	...	Agra	John Duncan.

Married in the

This marriage was solemnized between us { James White, Martha Duncan, } in the presence of us { John Smith, John Green. }

SCHEDULE IV,—continued.

CERTIFICATE OF MARRIAGE.

Number.	WHEN MARRIED.		NAMES OF PARTIES.		Age.	Condition.	Rank or profession.	Residence at the time of marriage.	Father's name and surname.
	Day.	Month. Year.	Christian Name.	Surname.					
1			James	White	26 years	Widower	Carpenter	Agra	William White.
			Martha	Duncan	17 years	Spinster	...	Agra	John Duncan.

Married in the

This marriage was solemnized between us { James White, Martha Duncan, } in the presence of us { John Smith, John Green. }

SCHEDULE V.
ENACTMENTS REPEALED.

Number and year.	Title.	Extent of Repeal.
Statute 58 Geo. 3, cap. 84.	An Act to remove doubts as to the validity of certain marriages had and solemnized within the British territories in India.	The whole.
Statute 14 & 15 Vic., cap. 40.	An Act for marriages in India...	The whole.
Act V of 1852	An act for giving effect to the provisions of an Act of Parliament passed in the 15th year of the reign of Her present Majesty intituled "An Act for Marriages in India."	The whole.
Act V of 1865	The Indian Marriage Act, 1865	The whole.
Act XXII of 1866	An Act to extend the Indian Marriage Act, 1865, to the Hyderabad Assigned Districts and the cantonments of Secunderabad, Trimungerry and Aurungabad.	The whole.

H. S. CUNNINGHAM,
Offg. Secy. to the Council of the
Govt. Genl. for making Laws
and Regulations.

4.6.74

Public C. 1632

27
The Marriage Registrar
has me wants to know how he
is to answer the question as to
what length of his residence
is necessary to enable him
to have a domicile. The 4th of 1. says
that no fixed number of days
can be prescribed, but the
question must be decided
on a consideration of all the
circumstances of the case. The
matter must be left to the
discretion of the
Marriage Registrar. I think in
answer to such questions he should
say - the matter is left un-
settled by law, but a certain
time, say a fortnight will
satisfy me. Then, however, should not
be expressed in the G.O. We
should simply communicate the
4th of 1. letter to the R. G.

8/10/5

27
It is submitted that
India's reply leaves the
matter in as an unsat-
isfactory state as it was
before. It practically
amounts to the encour-
agement of false declar-
ations. In reply to the
question "what length
of residence is necessary
before you will accept
the notice?" a Registrar
should say "if you will
certify that you have
had your usual place
of abode within my
district I will ask no
questions". In such
circumstances the class
of people who usually
resort to a Registrar's
office in this country
would not scruple to take
the oath.

But that does not
do away with the diffi-
culty of the filling up of
column 6 of the form

Schedule I (page 40) of Act XV of 1872. The exact number of days less than one month must be entered. The oath in regard to usual place of abode need not be taken until the notice of four days has expired. Say the notice shows one day's residence would the Registrar be justified in proceeding on the oath when he knows that the party has been only ^{five} ~~four~~ days in his district?

Marriage under Act XV of 1872 is a purely legal ceremony, and it is submitted it should be governed by certain fixed rules. The Govt. is not able to pick & choose among people who are anxious to become Registrars. It has often to be content with persons who might be tempted to use the discretion vested in them

This matter to obtain

a few rupees from the parties in consideration of their waiving personal objections to the shortness of the time which is sworn to have constituted "usual place of abode".

Or, if a case of the sort got into court the Judge might not consider the Registrar's action justified.

It is submitted that it would be far more satisfactory to have a fixed rule on the point for the guidance of Registrars and parties.

30/3. There is nothing else to be done here and communicating the letter of the 2.12.18 to the R.G. of B. & C. Districts & Revenue.

28/1/19

Usual place of abode
Act xx of 1872

See page 25

HC
all

31

Para 3 quoted in
para 2 should be
printed in the margin
in extenso.

8813.

12/6

Read across the file
No. 132

CHIEF SECRETARY
31 MAY 1894
GOVERNMENT OF MADRAS

From

C. J. Lyall, Esq., C.S.I., C.I.E.,
Secretary to the Government of India,

To

The Chief Secretary to the Government of Madras.

Home Department.
(Ecclesiastical)

Simla, the 24 May 1894.

Sir,

I am directed to acknowledge the receipt of your letter No. 138, Public, dated the 26th February last, stating that difficulty has been experienced in the Madras Presidency with regard to the expression "usual place of abode" in section 42 (b) of Act XV of 1872, and requesting a definite ruling as to the minimum period of time that may be taken to constitute any locality a person's "usual place of abode" within the meaning of that section.

2. In reply I am to invite a reference to paragraph 3 of the Report of the Select Committee appointed in 1872 to consider the Indian Christian Marriage Bill, which shows why an interval of four days between the notice of a marriage and the marriage itself was substituted in the Act for the four days' enforced residence within the district of a marriage Registrar previous to notice, which was provided for in the original Bill. I am to explain that no fixed number of days residence can be definitely ruled as constituting a person's "usual place of abode". The question must be decided on a consideration of all the circumstances of each case and not merely on the point of time. Moreover, the Government of India are advised that, when one of the parties intending marriage has made oath, in accordance with section 42 (b) of Act XV of 1872, in regard to the "usual place of abode", it is not the usual duty of the Marriage Registrar to question the oath, as his certificate is only that notice has been given and such oath has been made. If

If the Registrar knew that the statement made was false, he would be entitled to refuse to act on the oath, but no mere suspicion would warrant his doing so, nor should such a step be taken without clear knowledge of his part.

I have the honour to be,

Sir,

Your most obedient Servant,



Secretary to the Government of India.



Public Dept.

Pub. go. no 138 d. 26.2.94 h.

Read again:

G.O. d. 26.2.94, No. 138
and also this C. 1632

Order. d. 14th June 1894. No. 428

Bound: to the Regis.
of B. D. & all
-trav General with
reference to his letter
of the 21st January
last, No. 2. I.

(from orders)

18/1/94

30/3
12/6

a 800
5 a

R. G. of B. D. & Marriages
The Senior Marriage Reg.
Madras

27/6
/14

From

The Govt of India
Home Dept
Simla

No 132.

24th May 1894

Recd. 31st May 1894

Subject

Inviting a reference to para-
graph 3 of the Report of the Select
Committee appointed in 1872 to consider
the Indian Xian Marriage Bill, for
clearing the difficulty as to the
expression "usual place of abode"
in Sec: 4(6) of Act of 1872.

WITH ORDER

30-4-13
14.11.36

ORDINARY, PRINTED

Pub. DEPARTMENT.
G.O. DATED 14th June 1894
No. 428

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[Despatch Abstract.]

Indian (Christian marriage)
Act.

Cons. of the Reg. that sent
Births ^{Deaths} and marriage
of India's been regd.
of the minimum period
time that may be taken
to constitute any locality
a person's "usual place of
abode" within the meaning
of Sec 42 (b) of the —

9.6