



ANNO QUADRAGESIMO QUINTO ET QUADRAGESIMO
SEXTO

VICTORIÆ REGINÆ.

A.D. 1882.

No. 243.

An Act to further amend "The Marriage Act, 1867," and
for other purposes.

[*Assented to, August 30th, 1882.*]

WHEREAS it is expedient to further amend "The Marriage Act, 1867"—Be it therefore Enacted by the Governor-in-Chief of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows : Preamble.

1. This Act may be cited for all purposes as "The Marriage Act Further Amendment Act, 1882." Short title.

2. "The Marriage Act, 1867" (save so far as the same is altered hereby), shall be incorporated and construed herewith. Incorporation.

3. Sections 8, 17, 18, 20, 22, 23, 24, and 29, and the words "upon the person therein named signing the roll hereinbefore mentioned" in section 10, and the Second, Third, Fourth, and Fifth Schedules of the Marriage Act, 1867, are hereby repealed, except so far as relates to anything lawfully done thereunder before the commencement of this Act, and except so far as may be necessary to enable any punishment or penalty to be inflicted or enforced for anything contrary to the provisions of the said Act. Repeal of secs. 8, 17, 18, 20, 22, 23, 24, and 29, and the Second, Third, Fourth, and Fifth Schedules of the Marriage Act, 1867.

4. Any Deputy Registrar of Marriages appointed under "The Marriage Act, 1867," shall have, and shall be deemed, from the coming into operation of the said Act, to have had the powers, and shall perform and exercise, and shall be deemed to have been capable Deputy Registrar to have same powers as Registrar-General.

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capable of performing and exercising the duties and authorities of the Registrar-General of Marriages, and to be and to have been subject to the same liabilities, penalties, and forfeitures.

Marriage, how to be celebrated.

5. All marriages may be celebrated in the place, and between the parties described in the licence or certificate, by the Registrar-General, Deputy Registrar, District Registrar, officiating registrar, or officiating minister named therein, according to such form and ceremony as such parties may think fit to adopt, and all marriages shall take place with open doors, and in the presence of two or more witnesses: Provided that all marriages celebrated by any officiating minister may be celebrated according to the usage and forms of the church, religious body, or society to which he belongs, and the signature of such officiating minister to the certificate of marriage contained in the Sixth Schedule to "The Marriage Act, 1867," shall be conclusive evidence that such marriage has been celebrated according to such usage and forms: Provided also, that when any marriage is celebrated by any Registrar-General, Deputy Registrar, District Registrar, or officiating registrar, in some part of the ceremony, in the presence of such Registrar-General, Deputy Registrar, District Registrar, or officiating registrar conducting the same, and two or more witnesses, each of the parties shall say to the other, "I call upon those persons here present to witness that I, A. B., do take thee, C. D., to be my lawful wedded wife (*or* husband)," or words to that effect: Provided, also, that there be no lawful impediments to the marriage of such parties.

Officiating ministers whose names are entered upon the roll kept by the Registrar-General, as prescribed by Act No. 3 of 1855-6, to be officiating ministers under the Marriage Act, 1867.

6. Every minister of religion whose name shall, at the time "The Marriage Act, 1867," came into operation, have been duly entered upon the roll then kept by the Registrar-General of Marriages, as prescribed by the eighth section of the Act No. 3 of 1855-6, intituled "An Act to amend the Law relating to the Registering of Births, Deaths, and Marriages in the Province of South Australia," and whose appointment had not theretofore been cancelled, shall be and be deemed to have been, from the coming into operation of "The Marriage Act, 1867," an officiating minister under the provisions of such Act, and shall have and be deemed to have had the same powers, and shall perform and exercise, and be deemed to have been capable of performing and exercising the same duties and authorities, and shall be subject to and, from the coming into operation of such Act, shall be deemed to have been subject to the same penalties as if he had been enrolled as an officiating minister under the provisions of such Act.

If marriage by certificate, parties to give notice.

7. In case it is desired to obtain a certificate from the Registrar-General, the Deputy Registrar of Marriages, or any District Registrar, one of the parties shall, under his or her hand, give notice, in the form in the First Schedule hereto, to the Registrar-General, Deputy Registrar, or to the District Registrar of the district within which the parties shall dwell, or if the parties dwell in different districts they shall give the like notice to the District Registrar of each district,

as

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as the case may be, and shall therein state the name and surname, and the profession and condition, of each of the parties intending marriage, the dwelling place of each of them, and the building, or office, or private house, in which the marriage is to be celebrated.

8. After the expiry of fourteen clear days from the entry of such notice, the Registrar-General, Deputy Registrar, or District Registrar, upon being requested so to do by and on behalf of the party by whom the notice was given, shall issue under his hand a certificate in the form in the Second Schedule hereto: Provided that no lawful impediment be shown to the satisfaction of the Registrar-General, Deputy Registrar, or District Registrar, why such certificate should not issue, and provided that the issue of such certificate shall not have been sooner forbidden by any person or persons authorised in that behalf, as in "The Marriage Act, 1867," is provided; and every such certificate shall state the particulars set forth in the notice, the day on which the notice was entered, and that the full period of fourteen clear days has elapsed since the entry of such notice, and that the issue of such certificate has not been forbidden by any person or persons authorised in that behalf; and for every such certificate the Registrar-General, Deputy Registrar, or District Registrar shall be entitled to receive a fee of One Shilling.

After fourteen days, certificate of notice to be given if not forbidden.

9. The Registrar-General, the Deputy Registrar, and all District Registrars, within their respective districts, shall have power to grant licences for marriage, under "The Marriage Act, 1867," which licences shall be in the form contained in the Third Schedule hereto, and for every such licence such Registrar-General, Deputy-Registrar, or District Registrar, shall be entitled to receive from the party requiring the same the sum of Three Pounds.

Registrar-General, Deputy and District Registrars, may grant licences for marriages.

10. All officiating ministers and officiating registrars shall have power to grant licences for marriages under "The Marriage Act, 1867," which licences shall be in the form contained in the Third Schedule hereto.

Officiating ministers and officiating registrars may grant licences for marriages.

11. Before any marriage, whether the same is to be celebrated in pursuance of a licence or a certificate, shall take place, both the parties thereto shall make and sign a declaration in the form in the Fourth Schedule hereto, which declaration the Registrar-General, the Deputy Registrar, and all District Registrars, officiating ministers, and officiating registrars, are hereby empowered and required to take; and any Registrar-General, Deputy Registrar, District Registrar, officiating minister, or officiating registrar, who shall knowingly and wilfully celebrate any marriage before such declaration shall have been made and signed shall be guilty of misdemeanor.

Both parties to sign declaration before marriage.

12. All marriages in fact *bonâ fide* celebrated by any officiating minister since the coming into operation of "The Marriage Act, 1867," in the presence of two or more witnesses, according to the usage and forms of the church, religious body or society to which he belongs, shall

Marriages celebrated by officiating minister according to forms of church to which he belongs to be, from the coming into

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operation of the
Marriage Act, 1867,
a compliance with
certain requirements
of section 29 thereof.

shall be valid and effectual, notwithstanding any omission to use, or the partial or incorrect use of, the words "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)," or words to that effect: Provided that the other requirements necessary to constitute a valid marriage under "The Marriage Act, 1867," shall have been complied with, and that no lawful impediment existed at the time of such marriage.

Fee for certified
copies.

13. The Registrar-General, Deputy Registrar, and any District Registrar shall charge and be entitled to receive a fee of Two Shillings and Sixpence only for any certified copy of entries under section 36 of "The Marriage Act, 1867," and the said section shall be read, construed, and have effect as if the words Two Shillings and Sixpence were inserted therein in lieu of the words Seven Shillings and Sixpence in the last line thereof.

In the name and on behalf of Her Majesty, I hereby assent to
this Bill.

WM. F. DRUMMOND JERVOIS, Governor.

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FIRST SCHEDULE.

Notice of Marriage.

To the Registrar-General [or Deputy Registrar, or District Registrar of the District 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—

Name.	Condition.	Rank or Profession.	Age.	Dwelling-place.	Building, office, or private house where the marriage is to be solemnised.	District within which the other party resides, when the parties dwell in different districts.
James Smith	Widower	Carpenter	25 years	Hindley-street, Adelaide	—	—
Mary Green	Spinster	—	21 years	Rundle-street, Adelaide		

Witness my hand this

(Signed)

day of 188 .

JAMES SMITH.

SECOND SCHEDULE.

Registrar-General or Deputy Registrar's Certificate, or District Registrar's Certificate.

I, A. B., Registrar-General [or Deputy Registrar, or District Registrar of the District of], do hereby certify that, on the day or 18 , notice was duly entered in the marriage notice-book at the General Registry Office for Marriages [or of the said District of] of the marriage

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marriage intended between the parties therein named and described, delivered under the hand of James Smith, one of the parties, that is to say—

Name.	Condition.	Rank or Profession.	Age.	Dwelling-place.	Building, office, or private house where the marriage is to be solemnised.	District in which the other party resides, where the parties reside in different districts
James Smith	Widower	Carpenter	25 years	Hindley-street, Adelaide	—	—
Mary Green	Spinster	—	21 years	Rundle-street, Adelaide		

Date of notice entered

Date of certificate given

The issue of this certificate has not been forbidden by any person authorised to forbid the issue thereof.

Witness my hand the _____ day of _____ 18 .
(Signed) A. B.,

District Registrar [Registrar-General or Deputy Registrar.]

This certificate will be void unless the marriage is solemnised on or before the day of _____ 18 .

Form of Consent of Parent or Guardian.

I, _____ of _____ do hereby give my full consent to the proposed marriage between A. B. and C. D. in virtue of my character as to the said A. B. [or C. D.], who is under the age of twenty-one years, and for whose marriage with _____ my consent is by law required.

(Signed)
This _____ day of _____ 18 .

THIRD SCHEDULE.

Licence for Marriage.

Whereas you, A. B., and you, C. D., are minded to enter into a contract of marriage under the provisions of "The Marriage Act, 1867," and "The Marriage Act Further Amendment Act, 1882," and are desirous that the same may be speedily celebrated, I do hereby grant unto you full licence, according to the authority given to me by the above-recited Acts; to proceed to the celebration of such marriage: Provided that the marriage be celebrated at [place where] by _____ in the presence of two witnesses, within three calendar months from the date hereof, in [place]

Given under my hand this _____ day of _____ 18 .

E. F.

Registrar-General, Deputy-Registrar, District Registrar,
Officiating Registrar, or Officiating Minister [as the case may be].

FOURTH

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FOURTH SCHEDULE.

Declaration.

I, A. B., of _____ in the Province of South Australia,
do solemnly and sincerely declare that, being about to contract marriage with one
C. D., of _____ I believe that there is not any impediment of kindred or
alliance or other lawful hindrance to the said marriage; and that I the said A. B.,
and the said C. D., are both above the age of twenty one years, *or* that I, the said
A. B., not being a widower [*or* widow] am above [*or* under] the age of twenty-one
years; and the said C. D., not being a widow [*or* widower] is above [*or* under] the
age of twenty-one years; but the written consent of [*parents or guardian*], whose
consent to the said marriage is by law required, has been duly obtained; *or* but there
is no person residing in this province authorised to give consent to such marriage; *or*
but for the reasons here assigned, namely [residence of parent not known, father in
lunatic asylum, *or other sufficient reason*] the consent of the person authorised by
law to consent to such marriage cannot be obtained [*or as the case may be*]: And I
make this solemn declaration conscientiously believing the same to be true.

(Signed)

A. B.

Declared and subscribed by the above-named A. B., at _____ this
day of _____ 18 _____, before me,

E. F.,

Registrar-General, Deputy Registrar, District Registrar, Officiating
Registrar, *or* Officiating Minister [*as the case may be*].

I, the above-named C. D., of _____ declare that I conscientiously believe
the above declaration to be true, and hereto subscribe my name.

(Signed)

C. D.

Declared and subscribed by the above-named C. D., at _____ this
day of _____ 18 _____, before me.

E. F.

Registrar-General, Deputy-Registrar, District Registrar,
Officiating Registrar, *or* Officiating Minister [*as the case may be*].