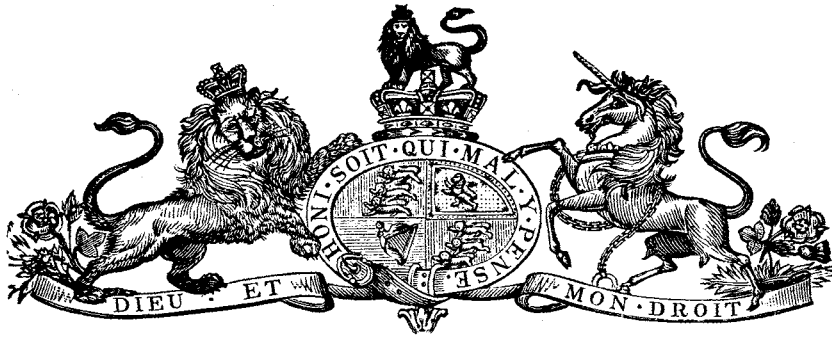


T A S M A N I A.



1895.

ANNO QUINQUAGESIMO-NONO

VICTORIÆ REGINÆ,

No. 23.

Amended by 60 Vict. No. 13

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*Am. 6 Ed. 7, No. 19.*

AN ACT to consolidate and amend the Laws A.D. 1895.  
relating to Marriage. [24 October, 1895.] —

WHEREAS it is expedient to consolidate and amend the Laws PREAMBLE.  
relating to Marriage :

Be it therefore enacted by His Excellency the Governor of *Tasmania*,  
by and with the advice and consent of the Legislative Council and  
House of Assembly, in Parliament assembled, as follows :—

- 1 This Act may be cited as “The Marriage Act, 1895.” Short title.
- 2 This Act shall come into operation and take effect on the First Commencement.  
day of *January*, 1896.
- 3 From and after the date upon which this Act comes into operation, Repeal of  
the Acts specified in the Schedule (1.) shall, to the extent therein former Acts.  
expressed, be and the same are hereby repealed.
- 4 Where before the commencement of this Act any offence has been Savings of rights  
wholly or partly committed against any of the Acts so repealed, or any and duties under  
penalty thereunder has been incurred, or any act or thing has been done repealed Acts.  
or registered, or rule, regulation, order, or appointment has been made  
under the authority of any such Act, or where any marriage has been  
declared valid under any such Act, or where in respect of any matter or  
thing done prior to the commencement of this Act any right, liability,  
privilege, or protection accrues or has accrued, or any action, suit,

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prosecution, or other proceeding has been commenced, every such offence shall be dealt with and punished, and every such penalty shall be recovered, and every such act, thing, rule, regulation, order, and appointment, and every such marriage, and every such right, liability, privilege, and protection shall continue and be in force; and every such action, suit, prosecution, or other proceeding shall be prosecuted, continued, or defended in the same manner as if such Acts were not repealed.

Interpretation.

**5** In this Act—

“Registrar-General” shall mean the Registrar-General for the Colony for the time being appointed under “The Registration of Births and Deaths Act, 1895,” and any Deputy of the Registrar-General :

“Registrar” shall mean a Registrar of Marriages under this Act :

“District” shall mean any Registration District as determined by or under “The Registration of Births and Deaths Act, 1895:”

“Gazette” shall mean the *Hobart Gazette*.

Registrar of Marriages.  
59 Vict. No. 9.

**6** Any person duly appointed a Registrar of Births and Deaths, or Deputy of any Registrar, under the provisions of “The Registration of Births and Deaths Act, 1895,” shall, during the time he holds such office, be a Registrar of Marriages for the purposes of this Act.

Persons who may celebrate marriage.

**7** The following persons and none other may celebrate marriages:—

i. Any Minister of Religion whose name, designation, and usual place of residence, together with the Church or other place of worship, if any, in which he officiates, is at the time of the celebration of the marriage duly registered in the Office of the Registrar-General in the manner hereinafter prescribed :

ii. The Registrar-General of Marriages and all Registrars of Marriages as hereinbefore mentioned.

Provided, that no Officiating Minister shall be compelled to perform the marriage ceremony in cases where he may have conscientious objections to do so.

Names of Officiating Ministers and Churches to be registered without charge.

**8** The Registrar-General shall register without fee or reward the names of any Minister of Religion, together with the Church or place of worship that may be communicated to him in the manner hereafter prescribed:—

i. Any Minister of Religion whose name, designation, and usual place of residence, together with the Church or place of worship in which he officiates, if any, shall have been transmitted to the Registrar-General by the person or persons within *Tasmania* in whom ecclesiastical authority shall for the time being be vested or be reputed to be vested over any of the religious bodies enumerated in the Schedule (2.), or who is for the time being the head of any such religious bodies.

All such communications shall be duly certified by the person or persons authorised to transmit the same.

In default of any person having ecclesiastical authority as aforesaid, the name of such Minister and place of

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worship may be certified under the hands of Two duly recognised Office-bearers in the religious body in respect of which such Certificate is granted. A.D. 1895.

- ii. Any Minister of Religion not connected with any of the bodies enumerated in the Schedule (2.) who shall furnish the particulars mentioned aforesaid, together with a Certificate signed by Twenty-four householders declaring that such Minister is their Officiating Minister, and that during the Six months immediately preceding they have been habitual attendants at public worship conducted by the said officiating Minister in a building regularly devoted to such purpose. The signatures to any such Certificate shall be attested by some person who shall verify the same as the genuine signatures of the persons whose signatures they purport to be respectively by a statutory declaration made before a Justice of the Peace or the Registrar-General under "The Statutory Declarations Act, 1837," signed by such person and appended to such Certificate.

**9** The several ecclesiastical authorities as aforesaid of the respective religious bodies shall transmit to the Registrar-General in the month of *December* in every year a correct list of their Officiating Ministers. Correct lists to be transmitted in every year.

Every Certificate under the hands of Office-bearers or signed by householders as aforesaid, shall be renewed and be transmitted to the Registrar-General in the month of *December* in every year.

**10** Every list of Officiating Ministers and Certificate under the hands of Office-bearers or signed by householders as aforesaid, shall continue in force from the day on which the same is transmitted to the Registrar-General until the publication in the *Gazette* of the regular official list of Ministers after the succeeding *December* and no longer. Lists to be in force for one year only.

**11** The person having ecclesiastical authority over the respective religious bodies as aforesaid shall, upon the suspension or deprivation of any Minister whose name shall have been transmitted to the Registrar-General in manner hereinbefore mentioned, forthwith certify such suspension or deprivation to the Registrar-General, who shall forthwith make a minute of such suspension or deprivation in the list of Officiating Ministers hereinafter mentioned; and no such person shall be deemed an Officiating Minister until his name shall have been again transmitted to the Registrar-General in manner hereinbefore mentioned. Ecclesiastical authorities to transmit the names of Ministers and certify suspension or deprivation of any Ministers.

**12** The Registrar-General shall file all such Certificates and lists and keep them with the records of his office; and shall also forthwith enter the names transmitted to him, as hereinbefore mentioned, in a book to be kept by him for the purpose, and called the "List of Officiating Ministers;" and shall from time to time alter and correct the said list as occasion shall require; and shall in the month of *January* in every year cause a copy of such list to be published in the *Gazette*. List of Ministers to be published in the *Gazette*.

In the event of any additional names of Ministers being transmitted to him during any part of the year in the manner aforesaid, the Registrar-General shall cause such names to be entered in the said book and published in the *Gazette*; and thereupon such persons shall be deemed Officiating Ministers for the purposes of this Act. Addition of names.

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Cancellation of names.

**13** Whenever notice shall be given to the Registrar-General of the suspension or deprivation of any Minister whose name shall have been entered in the list of Officiating Ministers, the Registrar-General shall erase such name therefrom, and also cause a notification to be published in the *Gazette* that the name of such Minister is withdrawn from the list of Officiating Ministers; and such person shall from the date of such publication cease to be an Officiating Minister within the meaning of this Act.

Evidence of the right of Officiating Ministers to act.

**14** The entry of the name of any Officiating Minister in the "List of Officiating Ministers," and the publication of the name of such Minister in the *Gazette* shall be deemed and taken to be conclusive evidence of the right of such Officiating Minister to act as such from the date of the Certificate of the persons or person having ecclesiastical authority, or of the Office-bearers, or of the householders aforesaid respectively, as the case may be, transmitted to the Registrar-General in respect of such Officiating Minister upon which such entry and publication shall be made.

Governor may make rules and appoint officers.

**15** The Governor in Council may from time to time make rules and regulations, and alter and repeal the same, for more effectually carrying out the provisions of this Act; and may from time to time appoint and remove officers for the purpose of celebrating marriages; and every such appointment and removal shall be notified in the *Gazette*, and shall take effect from the time prescribed in such notice.

*Celebration of Marriage.*

Before marriage a Licence or Certificate must be obtained.

**16** Before any marriage can be celebrated the parties must either have obtained a Licence from an Officiating Minister, or the Registrar-General, or some Registrar, or must have obtained a Certificate from the Registrar-General or some Registrar as hereinafter mentioned.

Officiating Ministers may grant Licences for marriages.

Registrar-General and Registrars may grant Licences for marriages.

**17**—(1.) All Officiating Ministers shall have power to grant Licences for marriages under this Act, which Licences shall be in the form contained in the Schedule (3.) hereto.

(2.) The Registrar-General and all Registrars within their respective districts shall have power to grant Licences for marriage under this Act, which Licences shall be in the form contained in the Schedule (3.) hereto; and for every such Licence such Registrar-General or Registrar shall receive from the party requiring the same the sum of Two Pounds.

If by Certificate parties to give notice.

**18** In case it is desired to obtain a Certificate from the Registrar-General or any Registrar, one of the parties shall under his or her hand give notice in the form in the Schedule (4.) hereto to the Registrar-General or to the Registrar of the District, or, if the parties dwell in different Districts, they shall give the like notice to the Registrar of each District, 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.

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**19** The Registrar-General and all Registrars shall file all such notices and keep them safely with the records of their Office, and shall also forthwith enter a true copy of all such notices fairly into a book to be furnished by the Government and to be called "The Marriage Notice Book;" and the Marriage Notice Book shall be open at all reasonable times to all persons desiring to inspect and search the same, and for every such entry or search there shall be paid to the Registrar-General or Registrar a fee of Two Shillings and Sixpence: Provided, that before a copy of any such notice shall be entered in the Notice Book some credible person known to the Registrar-General or Registrar, as the case may be, shall satisfy him, if he think fit to require it, of the truth of the several particulars set forth in such notice.

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Registrars to  
keep notices in a  
book.

**20** After the expiry of Seven clear days from the date of entry of such notice the Registrar-General or 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 Schedule (5.) hereto.

After Seven  
days Certificate  
of notice to be  
given if not  
forbidden.

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 Seven 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 or Registrar shall be entitled to receive a fee of One Shilling.

Provided that no lawful impediment be shown to the satisfaction of the Registrar-General or 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 this Act is provided.

**21** Upon the delivery of any such Licence as aforesaid to the person authorised to perform the ceremony of marriage mentioned therein, and whether such person be the Officiating Minister, Registrar-General, or Registrar granting such Licence or not, or upon the production of any Certificate of the Registrar-General or any Registrar under the foregoing provisions, the marriage of the parties named therein may be celebrated at the place named in such Licence or Certificate, and in the presence of the person authorised to perform the ceremony.

Marriage on the  
delivery of  
Licence.

**22**—(1.) All marriages may be celebrated in the place and between the parties described in the Licence or Certificate by the Officiating Minister, Registrar-General, or Registrar 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.

Marriage how to  
be celebrated.

(2.) 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 Schedule (5.) to this Act shall be conclusive evidence that such marriage has been celebrated according to such usage and forms.

(3.) When any marriage is celebrated by any Registrar-General or Registrar, in some part of the ceremony, in the presence of such

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Registrar-General or Registrar conducting the same, and in the presence of Two or more witnesses, each of the parties shall say to the other—"I call upon these persons here present to witness that I, *A.B.*, do take thee, *C.D.*, to be my lawful wedded wife (or husband)," or words to that effect.

(4.) All marriages celebrated by the Registrar-General or Registrar shall take place at their respective offices within the usual hours of business.

(5.) Provided, that there be no lawful impediment to the marriage of such parties.

Both parties to sign declaration before marriage.

**23** 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 Schedule (6.) hereto, which Declaration the Registrar-General and all Registrars and Officiating Ministers are hereby empowered and required to take; and any Registrar-General, Registrar, or Officiating Minister who shall knowingly and wilfully celebrate any marriage before such Declaration shall have been made and signed shall be guilty of a misdemeanor.

If not satisfied of the truth of declaration may refuse Licence, &c.

**24** In case the Registrar-General, Registrar, or Officiating Minister before whom any declaration is made or taken by virtue of the provisions of this Act, upon examination of the declarant is not satisfied of the truth of any of the particulars set forth in the declaration, he is hereby authorised to refuse to grant such Licence or Certificate as aforesaid, or to solemnise marriage between the parties, as the case may be.

Marriages to be within Three months from issue of Licence or Certificate.

**25** Unless a marriage shall be had and celebrated in pursuance of any Licence or Certificate granted or issued as aforesaid within Three calendar months after the grant of such Licence or issue of such Certificate such Licence or Certificate shall be void and of no effect, and no marriage shall be had or celebrated in pursuance thereof; and any person knowingly and wilfully celebrating any such marriage after the expiration of the period aforesaid shall be guilty of a misdemeanor.

Fees to be paid to Registrars.

**26** The Registrar-General and all Registrars shall be entitled for every marriage celebrated by him or them respectively under this Act to receive from the parties married the sum of Ten Shillings.

*Consents, Caveats, &c.*

Consent necessary for marriage of minors.

**27** The father, if resident within the Colony, of any person under Twenty-one years of age, such person not being a widower or widow, or if the father be dead, the guardian or guardians lawfully appointed of the person so under age or one of them, or in case there shall be no guardian or guardians, or in case the father shall not be resident within the Colony, then the mother of such person, if resident in the Colony, or if there shall be no mother resident within the Colony, then the guardian or guardians (if any) appointed by the Supreme Court of such person or one of them, shall have authority to give consent to the

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marriage of such person ; and such consent, in the form in the Schedule (7.), is hereby required for the marriage of such person so under age, unless there shall be no person within the Colony authorised to give such consent. A.D. 1895.

**28** In case any father or mother or guardian whose consent is necessary to the marriage of a person under age, shall be *non compos mentis*, or in case any such guardian shall unreasonably or from undue motives refuse or withhold his consent to a proper marriage, then it shall be lawful for any person desirous of marrying in any of the above-mentioned cases to apply by petition to a Judge of the Supreme Court ; and in case the marriage proposed shall upon examination in a summary way appear to be proper, such Judge shall judicially declare the same to be so, and such judicial declaration shall be deemed and taken to be as good and effectual to all intents and purposes as if the father or mother or guardian of the person so petitioning had consented to such marriage. In certain cases Judge of Supreme Court may consent to the marriage of minors.

**29** Any person whose consent is required as aforesaid may forbid the issue of the Registrar-General or Registrar's Certificate by writing at any time in the presence of such Registrar-General or Registrar 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 the relationship or guardianship by reason whereof he or she is authorised to forbid the issue of such Certificate. Issue of Certificate may be forbidden.

**30** Any person having just and reasonable cause in that behalf may enter a caveat with the Registrar-General or Registrar or Officiating Minister against the grant of a Certificate or Licence for the marriage of any person named in such caveat. Caveat may be entered.

If any caveat be entered with the Registrar-General or Registrar or Officiating Minister, such caveat being duly signed by or on behalf of the person who entered the same, together with his or her place of residence, and the ground of objection on which his or her caveat is founded, no Certificate or Licence shall be granted until the Registrar-General or Registrar or Officiating Minister shall have examined into the matter of the caveat, and be satisfied that it ought not to obstruct the grant of the Certificate or Licence, as the case may be, for the said marriage, or until the caveat be withdrawn by the person entering the same. Effect of caveat.

Provided always that in case of a Registrar refusing the grant of a Certificate, the person applying for the same shall have a right to appeal to a Judge of the Supreme Court in a summary way, who shall thereupon either confirm the refusal or direct the grant of the Certificate. Appeal on refusal.

**31** Every person who shall enter a caveat with the Registrar-General or Registrar against the issue of any Certificate on grounds which a Judge of the Supreme Court shall declare to be frivolous and vexatious, and that they ought not to obstruct the issue of the Certificate, shall be liable for the costs of the proceedings and for damages, to be recovered in an action by the person against whose marriage such caveat shall have been entered. If caveat vexatious.

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*Marriage Certificates and Registration.*Forms to be  
furnished to  
Registrars, &c.

**32** The Registrar-General shall furnish to every Registrar and Officiating Minister such printed forms as may be necessary to enable them to register marriages in conformity with and otherwise to observe the provisions of the Act.

Marriage Certi-  
ficates.

**33** The Registrar-General and every Registrar or Officiating Minister shall make out in triplicate a Certificate according to the form contained in the Schedule (8.) hereto of every marriage celebrated or contracted before him and the parties contracting such marriage]; and also the witnesses thereto shall sign or attest their names and places of abode on such Certificates; and such Registrar-General, Registrar, or Officiating Minister shall also sign his name, and shall deliver one of such Certificates immediately after the marriage to one of the parties thereto, and shall also within Seven days forward another of such Certificates to the Registrar-General, and shall keep the remaining Certificate together with the Certificate or Licence authorising the marriage as a record of the said marriage: and the Registrar-General shall carefully preserve all such Certificates, numbering them consecutively under each District according to their dates, or in any other way which the Registrar-General may deem most convenient for future reference; and shall from time to time cause them so arranged to be bound up in convenient volumes, to constitute the General Register of Marriages:

Provided that should any Certificate or certified copy, forming part or intended to form part of the General Register, be lost or destroyed, the Registrar-General is hereby empowered to demand, and any custodians of any Register containing the original entries or certified copies of the same shall, upon the demand of the Registrar-General, supply certified copies of the same free of any charge, and the certified copies so supplied shall be substituted for those originally lost or destroyed.

Consent to be  
endorsed on  
Certificate.

**34** When any marriage is celebrated in respect of which the written consent of a parent or guardian is required, a statement of the fact of such consent, with the name of the parent or guardian or Judge so consenting, shall be endorsed on the triplicate Certificates of such marriage signed by the person celebrating the marriage.

Quarterly  
Returns to be  
made to the  
Registrar-  
General.

**35** Every Registrar or Officiating Minister shall, on the First day of the months of *January, April, July, and October* respectively, or within Fourteen days thereafter, forward to the Registrar-General a Report, authenticated by his signature, of all marriages by him performed during the preceding Three calendar months, distinguishing such, if any, as may have been performed by Licence, or a *Nil Account* if no marriages have been performed by him within such period; and if he fail to make such Report within such time, or shall make a false Report, he shall be subject to a penalty not exceeding Ten Pounds.

Index to be kept.

**36** The Registrar-General shall cause Indexes of the Registry Books in his Office to be made and kept with the other records in his Office; and every person shall be entitled at all reasonable hours on every day except *Sunday, Christmas Day, Good Friday*, and all public holidays to search the said Indexes or Register Books, and to



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have a certified copy of any entry or entries in the said Register Books under the hand of the Registrar-General, on payment of the fees hereinafter mentioned ; that is to say—

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- i. Particular search of Index or Register Books only, One Shilling :
- ii. General search of Index or Register Books, not exceeding One hour, Two Shillings and Sixpence ; for every additional hour, One Shilling and Sixpence :
- iii. Certificate without seal, with or without particular search, but exclusive of general search, Two Shillings and Sixpence :
- iv. Certificate with seal, with or without particular search, but exclusive of general search, Five Shillings.

Searches of Register Books and Indexes.

Provided that all searches and Certificates required for public purposes shall be made or issued free of charge.

**37** In this Act—

The term “general search” means a search without stating the object of search, or where, to aid enquiry, some essential particular relating to name, relationship, year, or locality is lacking :

Meaning of “general” and “particular” search defined.

The term “particular search” means a search for a specific entry, where all essential particulars respecting an enquiry are given, and which does not involve a search in Index Books for a period of more than Three years.

**38** Certified copies of registers or entries under seal made or given by the Registrar-General, and purporting to be made by such officer, shall be received as *prima facie* evidence in any Court of Justice within the Colony of the fact of the marriage to which the same relates.

Certified copies of entries under seal to be received as *prima facie* evidence.

**39** Each Registrar and Officiating Minister respectively shall be held responsible for the safe keeping of all Marriage Register Books and Forms in their charge : and in the event of their death or ceasing to act as Registrar or Officiating Minister respectively within the meaning of this Act, all such Register Books and Forms shall be transferred to the custody of their immediate successors, or, failing these, to the custody of the Registrar-General.

Custody and safe keeping of Marriage Register Book.

*Valid and Invalid Marriages.*

**40** It shall not be necessary in support of any marriage solemnized under this Act to give any proof of the actual dwelling of either of the persons so married previous to the marriage within the district wherein such marriage was solemnized for the time required or of the consent of any person whose consent thereunto is required by law.

Marriages not to be invalid for certain reasons.

Nor shall any evidence be given to prove to the contrary in any suit touching the validity of such marriage, neither shall any marriage be deemed to have been unduly solemnized by reason of any mere error or defect in the Notice, Declaration, Certificate, or Licence required before solemnization or in the registration of the marriage when solemnized,

Inadmissible evidence.

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No release from penalties.

Forfeiture of property acquired on marriage of minors without consent.

Order of Court.

Where both parties offend.

All settlements, &amp;c. on any such marriage void.

Proceedings to be within one year after discovery.

when the identity of the parties is not questioned, nor on account of any other infringement of the provisions of this Act, except as provided in the Section next following.

Nothing herein contained shall exempt any Officiating Minister or Registrar who shall do anything contrary to the provisions of this Act from any penalty to which he would have been liable for such offence but for this Section.

**41** If any valid marriage shall be procured by a party to such marriage to be solemnized between persons, one or both of whom shall be under the age of Twenty-one years, not being a widower or widow, contrary to the provisions of this Act, by means of such party falsely swearing or declaring to any matter or matters to which such party is hereinbefore required personally to declare, such party wilfully and knowingly so declaring, then and in such case it shall be lawful for Her Majesty's Attorney-General by information in the Supreme Court at the relation of a parent or guardian of the minor whose consent has not been given to such marriage, to sue for a forfeiture of an estate, right, title, and interest in any property which hath accrued or shall accrue to the party so offending by force of such marriage.

Such Court shall have power in such suit to declare such forfeiture, and thereupon to order and direct that all such estate, right, title, and interest in all property as shall then have accrued or shall thereafter accrue to such offending party by force of such marriage shall be secured under the direction of such Court for the benefit of the innocent party or of the issue of the marriage or of any of them in such manner as the said Court shall think fit for the purpose of preventing the party offending from deriving any interest in real or personal estate or pecuniary benefits from such marriage.

If both parties so contracting marriage shall, in the judgment of the Court, be guilty of any such offence as aforesaid, it shall be lawful for the said Court to settle and secure such property or any part thereof immediately for the benefit of the issue of the marriage subject to such provisions for the offending parties, by way of maintenance or otherwise, as the said Court under the particular circumstances of the case shall think reasonable, regard being had to the benefit of the issue of the marriage during the lives of the parents and of the issue of the parties respectively by any future marriage, or of the parties themselves in case either of them should survive the other.

**42** All agreements, settlements, and deeds entered into and executed by the parties to any marriage in consequence of or in relation to which marriage such information as aforesaid shall be filed by either of the said parties before and in contemplation of such marriage, or after such marriage for the benefit of the parties, or either of them or their issue so far as the same shall be contrary to and inconsistent with the provisions of such a security and settlement as shall be made by or under the direction of the Supreme Court as aforesaid under the authority of this Act, shall be absolutely null and have no force or effect.

**43** Any original information to be filed for the purpose of obtaining a declaration of any such forfeiture as aforesaid shall be filed within one year after such relator or relators hath or have known or discovered the solemnization of the marriage by which such forfeiture shall have been incurred.

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**44** If any valid marriage shall be had under the provisions of this Act by means of any false notice, licence, certificate, or declaration, made by either party to such marriage as to any matter to which a notice, certificate, or declaration is herein required, it shall also be lawful for the Attorney-General to sue for a forfeiture of all estate and interest in any property accruing to the offending party by such marriage, and the proceedings thereupon and the consequences thereof shall be the same as hereinbefore provided in the case of a minor whose marriage has been procured contrary to the provisions of this Act.

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Like forfeiture for marriage under false notice.

*Offences—Penalties.*

**45** Every person who shall knowingly and wilfully make any false affirmation or declaration for the purpose of procuring any Licence or Registrar's Certificate shall be guilty of perjury, and punishable accordingly.

Making false declaration a misdemeanor.

**46** Every person who shall forbid the issue of the Registrar's Certificate by falsely representing himself or herself to be a person whose consent to such marriage is required by law, knowing such representation to be false, shall be guilty of a misdemeanor.

False representation a misdemeanor.

**47** Every person who shall knowingly and wilfully solemnize any marriage in any other place than the church, office, or place specified in the Certificate required by this Act, and every person who shall knowingly and wilfully solemnize any marriage without a Certificate or Licence as required by this Act, shall be guilty of a misdemeanor.

Solemnizing marriage otherwise than according to this Act a misdemeanor.

**48** Every person who shall falsely pretend to be a Registrar or Officiating Minister, and shall solemnize any marriage knowingly and wilfully so offending shall be guilty of felony, and shall be sentenced to penal servitude for a term not exceeding Seven years.

Solemnizing marriage falsely pretending to be an Officiating Minister a felony.

**49** Every Registrar who shall knowingly and wilfully issue any Certificate for marriage after the expiration of Three calendar months after the notice shall have been entered by him as aforesaid, or any Certificate for marriage except the provisions of this Act be first complied with, or any Certificate the issue of which shall have been forbidden as aforesaid by any person authorized to forbid the issue of such Certificate, or who shall knowingly and wilfully register any marriage herein declared to be null and void, and every Registrar who shall knowingly and wilfully solemnize, in his office or elsewhere, any marriage herein declared to be null and void, shall be guilty of felony, and shall be sentenced to penal servitude for a term not exceeding Seven years.

Registrar acting illegally in certain cases to be guilty of felony.

**50** Every Officiating Minister and Registrar who shall knowingly or wilfully, without the consent of parents or guardians, solemnize any marriage wherein one or both of the persons has not or have not attained the full age of Twenty-one years, shall be guilty of a misdemeanor.

Penalty for solemnizing marriage of minors without consent.

**51** The Registrar-General, Registrar, or Officiating Minister before whom any marriage is celebrated according to the provisions of this Act, may ask the parties to be married the several particulars touching such marriage required to be entered in the Certificate thereof as

Furnishing false information to be inserted in Certificate to be perjury.

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hereinbefore provided ; and every person who shall wilfully make or cause to be made any false statement touching any of the particulars required to be sworn and entered as aforesaid shall be subject to the same pains and penalties as if he were guilty of perjury.

Penalty for not duly registering marriage, and for losing Register.

**52** Every Registrar or Officiating Minister by whom any marriage is solemnized who shall neglect to register the same, or who shall neglect or refuse to forward to the Registrar-General the Certificate of any marriage celebrated by him, or, in case of loss of such Certificate, such certified copies as hereinbefore directed, and every person having the custody of any Register Book or certified copy thereof who shall negligently lose or injure the same or negligently allow the same to be injured whilst in his keeping, or who shall fail to transfer the same to his successor or to the Registrar in the event of ceasing to act officially as hereinbefore directed, shall forfeit and pay a sum not less than Five Pounds and not exceeding Fifty Pounds for every such offence.

Destruction or alteration or forgery of Register to be felony.

**53** Every person who shall wilfully destroy or injure, or cause to be destroyed or injured, any Register Book, or any part or certified copy of any part thereof, or shall falsely make or counterfeit, or cause to be made or falsely counterfeited, any part of any such Register Book or certified copy thereof, or shall wilfully insert or cause to be inserted in any Register Book or certified copy thereof any false marriage, or shall wilfully give any false Certificate, or shall certify in writing to be a copy or extract of any Register Book knowing the same to be false in any part thereof, or shall forge or counterfeit the seal or signature of the Registrar-General or of any Registrar or Officiating Minister, shall be guilty of felony.

Accidental error may be corrected.

**54** No 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 such entry shall be liable therefor to any of the penalties aforesaid, if within One calendar month next after the discovery of such error, and within Two years from the date of the registering of such marriage, in the presence of the Registrar-General or Registrar or Officiating Minister and of Two credible witnesses who shall respectively attest the same, he shall 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 thereto the day of the month and year when such correction shall be made ; and such Registrar and Officiating Minister shall thereupon notify the particulars of such correction to the Registrar-General, who shall make a marginal entry of such correction in the General Register, affixing his signature and the date of such correction.

Penalty for misdemeanor.

**55** Every misdemeanor hereinbefore mentioned shall be punishable by fine not exceeding Five hundred pounds, or by imprisonment for a term not exceeding Five years, or by both such fine and imprisonment as the Court before whom the person offending is convicted may award.

Summary proceedings.

**56** All proceedings for the recovery of any pecuniary penalty by this Act imposed for any omissions, defaults, acts, or offences shall be

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heard and determined, and all penalties be recovered in a summary way, in the mode prescribed by *The Magistrates Summary Procedure Act*. A.D. 1895.

**57** Any person who thinks himself aggrieved by any penalty imposed under the authority of this Act, which is recoverable in a summary way, may appeal against the same in the mode prescribed by *The Appeals Regulation Act*. Appeal.

**58** All moneys received for penalties imposed for offences against this Act shall be paid to the Treasurer, and form part of the Consolidated Revenue Fund. Disposal of penalties.

**59** All fees received by the Registrar-General and the Registrars for the Districts of *Hobart* and *Launceston* under the provisions of this Act shall be paid into and form part of the Consolidated Revenue Fund of the Colony, and all fees received by Registrars other than for the Districts of *Hobart* and *Launceston* under the provisions of this Act shall and may be retained by them for their own use and benefit respectively. Appropriation of fees.

**60** Every action or prosecution under this Act shall be commenced within the space of Three years after the offence was committed. Limitation of prosecutions.

**61** All persons having the custody of any book or writing containing entries of any marriage registered under the provisions of any Act or Ordinance in force for the registration of marriages prior to *The Registration Act*, 1838, being brought into operation, shall forward such book or writing to the Registrar-General, who shall cause indexes of the same to be made, and shall safely keep such books, writings, and indexes among the other records of marriages in his Office. Books containing entries of marriages before 2 Vict. No. 8 to be sent to the Registrar-General.

Certified copies of any entry contained in any such book or writing may be given in like manner as other certified copies may be made or given under this Act, and the provisions of Sections Fifty-one and Fifty-three shall extend and apply to the matters in this Section provided for.

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## SCHEDULE.

(1.)

## ACTS TO BE REPEALED.

Sect. 3.

<i>Date and Number of Act.</i>	<i>Title of Act.</i>	<i>Extent of Repeal.</i>
2 Vict. No. 7.	An Act for regulating Marriages in <i>Van Diemen's Land</i> and its Dependencies.	The whole Act.
2 Vict. No. 8.	An Act for registering Births, Deaths, and Marriages in the Island of Tasmania and its Dependencies.	So much of the Act as is not repealed by "The Registration of Births and Deaths Act, 1895."
6 Vict. No. 12.	An Act to amend the said last-mentioned Act.	Section 3.
6 Vict. No. 18.	<i>An Act to repeal an Act passed in the Sixth year of the reign of Her present Majesty intituled An Act to amend an Act passed in the Second year of the reign of Her present Majesty and to amend the said last-mentioned Act.</i>	The whole Act.
21 Vict. No. 3.	An Act to amend the Law regulating Marriages.	The whole Act.
23 Vict. No. 11.	An Act to amend the Laws regulating Marriage.	The whole Act.
37 Vict. No. 12.	An Act to further amend the Law relating to Marriage ("The Friend's Marriage Act, 1873.")	The whole Act.

(2.)

## RELIGIOUS BODIES.

Sect. 8.

The Church of England.  
 The Church of Rome.  
 The Presbyterian Church of Tasmania.  
 The Free Church of Scotland.  
 The Wesleyan Methodist Church.  
 The Primitive Methodist Church.  
 The United Methodist Free Church.  
 The Congregational Union.  
 The Baptist Church.  
 The Church of Christ.  
 The Society of Friends.  
 The Jewish Church.  
 The Salvation Army.

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(3.)

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## LICENCE FOR MARRIAGE.

Sect. 17.

BY OFFICIATING MINISTER.

WHEREAS you, *A.B.*, and you *C.D.*, are minded to enter into a contract of marriage under the provisions of "The Marriage Act, 1895:" I do hereby grant unto you full licence, according to the authority given to me by the above-recited Act, to proceed to the celebration of such marriage: Provided that the marriage be celebrated at \_\_\_\_\_, by \_\_\_\_\_, in the presence of two witnesses, within Three calendar months from the date hereof, in [*place*].

Given under my hand, this \_\_\_\_\_ day of \_\_\_\_\_

*E.F.*,  
Officiating Minister.

BY REGISTRAR-GENERAL OR REGISTRAR.

WHEREAS you, *A.B.*, and you, *C.D.*, are minded to enter into a contract of marriage under the provisions of "The Marriage Act, 1895," 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 Act, to proceed to the celebration of such marriage: Provided that the marriage be celebrated at \_\_\_\_\_, by \_\_\_\_\_, in the presence of two witnesses, within three calendar months from the date hereof, in [*place*].

Given under my hand, this \_\_\_\_\_ day of \_\_\_\_\_

*R.M.J.*,  
Registrar-General or Registrar,  
[as the case may be].

(4.)

## NOTICE OF MARRIAGE.

Sect. 18.

To the Registrar-General [or 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 named and described; that is to say,—

Name.	Condition.	Occupation.	Age.	Dwelling-place.	Building, Office, or Private House where the Marriage is to be solemnized.	District within which the other party resides, where the parties dwell in different Districts.
<i>James Brown.</i>	<i>Widower.</i>	<i>Blacksmith.</i>	40	2, Davey-street, Hobart.	_____ Church, Hobart.	
<i>Mabel Jones.</i>	<i>Spinster.</i>	<i>Domestic Servant.</i>	21	7, Macquarie-street, Hobart.		

Witness my hand this \_\_\_\_\_

day of \_\_\_\_\_

18

(Signed) *James Brown.*

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(5.)

Sect. 20.

## REGISTRAR-GENERAL OR REGISTRAR'S CERTIFICATE.

I, *A.B.*, Registrar-General [*or* Registrar of the District of \_\_\_\_\_], do hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, Notice was duly entered in the Marriage Notice-Book at the General Register Office for Marriages [*or* of the said District of \_\_\_\_\_] of the Marriage intended between the parties therein named and described, delivered under the hand of James Brown, one of the parties; that is to say:—

Name.	Condition.	Profession or Occupation.	Age.	Dwelling-place.	Building, Office, or Private House where the Marriage is to be solemnized.	District within which the other party resides where the parties dwell in different Districts.
James Brown.	Widower.	Blacksmith.	40	2, Davey-street, Hobart.	_____ Church, Hobart.	
Mabel Jones.	Spinster.	Domestic Servant.	21	7, Macquarie-street, Hobart.		

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

*R.M.J.*,

Registrar [Registrar-General].

This Certificate will be void unless the marriage is solemnized on or before the day of \_\_\_\_\_, 18\_\_\_\_.

(6.)

Sect. 23.

## DECLARATION.

I, *A.B.*, of \_\_\_\_\_ in the Colony of Tasmania, 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 [*parent or guardian*], whose consent to the said marriage is by law required, has been duly obtained, [*or* but that there is no person residing in this Colony 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 \_\_\_\_\_ before me.

*R.M.J.*,Registrar-General, 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 \_\_\_\_\_ before me,

*R.M.J.*,Registrar-General, Registrar, *or* Officiating Minister [*as the case may be*].



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(7.)

CONSENT OF PARENT OR GUARDIAN.

Sect. 27.

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 \_\_\_\_\_.

(8.)

IN THE COLONY OF  
TASMANIA.

CERTIFICATE OF MARRIAGE.

Sect. 33.

DISTRICT—Hobart.

REGISTER No. 104.

On January 9th, at \_\_\_\_\_ Church.

Marriage by [*Licence or Certificate*] was celebrated between us, according to the [*usage and forms of the Church of England.*]

Signature—*James Brown.*

Residence—Present, *Hobart.* Usual, *Waratah.*

Description.	{	Age—40.
		Profession or Occupation— <i>Blacksmith.</i>
		Condition— <i>Widower.</i>
		If Widower— { Former Wife deceased in year 1889.
		{ Children living, <i>two</i> ; dead, <i>none.</i>
		Birth-place— <i>Launceston, Tasmania.</i>
Father's name— <i>William Brown</i> ; Occupation— <i>Carpenter.</i>		
Mother's name— <i>Mary Brown.</i>		

Signature—*Mabel Jones.*

Residence—Present, *Hobart.* Usual, *Hobart.*

Description.	{	Age—21.
		Profession or occupation— <i>Domestic Servant.</i>
		Condition— <i>Spinster.</i>
		If Widow— { Former Husband deceased in 1889.
		{ Children living, 2 ; dead, 2.
		Birth-place—
Father's name— <i>Evan Jones</i> ; Occupation— <i>Coal-miner.</i>		
Mother's name— <i>Jane Jones.</i>		

This marriage was celebrated between us { *James Brown* { In the presence } *William Peters.*  
  { *Mabel Jones* { of us } *Peter Clark.*  
  { Witnesses }

The above marriage was duly celebrated by me, at the time and place above named, and in the presence of the witnesses whose signatures are above written.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_.

R.M.J.,  
Registrar-General, Registrar, or Officiating  
Minister [*as the case be*].

