



WESTERN AUSTRALIA.

ANNO DUODECIMO

VICTORIÆ REGINÆ.

No. XI.

An Ordinance to provide for the Solemnization and Registration of Marriages of persons belonging to certain Denominations of Christians, not being Members of the Church of England. Preamble.

WHEREAS it is expedient to make special provision for the solemnization and registration of marriages by ministers of

of the Roman Catholic Church, and of the Presbyterian Church of Scotland, and of the Wesleyan Methodist Society, and of the Congregational or Independent and Baptist denominations in this colony; Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, that from and after the date of the passing of this Ordinance all marriages between persons, both or one of such persons being members or a member of or holding communion with any of the aforesaid denominations, and making a declaration to the effect hereinafter mentioned, which marriages shall be had and solemnized within this colony by a Priest or Minister of the Roman Catholic Church, duly empowered by his Superior, or by an Ordained Minister of the Presbyterian Church of Scotland, or by an Ordained Minister of the Wesleyan Methodist Society duly appointed by the British Conference of the Wesleyan Methodists, or by an ordained or officiating minister of the Congregational or Independent Denomination, or by an ordained or officiating minister of the Baptist Denomination, shall be adjudged, esteemed and taken to be of the same force and effect as if such marriages had been solemnized by clergymen of the Church of England, according to the rites and ceremonies of the Church of England;—Provided always, that from and after the passing of this Ordinance no such marriages as aforesaid shall be had and solemnized until both or one of such persons, as the case may be, shall have signed a declaration in writing in duplicate, stating that they, or he or she, as the case may be, are or is members or a member of, or hold communion with the Roman Catholic Church, or Presbyterian Church of Scotland, or the Wesleyan Methodist Society, or the Congregational or Independent or Baptist Denominations respectively, according to the form hereunto annexed and marked with the letter A.

Parties to sign the declaration contained in Schedule.

Certificate in duplicate.

II. AND be it enacted, that the minister or priest by whom any such marriage as aforesaid shall be solemnized, shall immediately upon the solemnization thereof, certify such marriage by a writing under his hand in duplicate, subjoined to or endorsed upon the declaration in duplicate hereinbefore mentioned, specifying in such certificate the names and descriptions of the parties between whom and of the witnesses in whose presence the said marriage has been had and solemnized, and the time and place of the celebration of the same, according to the form hereunto annexed and marked with the letter B; and such certificate in duplicate shall be also signed forthwith by the parties entering into such marriage and by the witnesses
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to the same, according to the said last mentioned form, and the minister or priest officiating shall deliver one duplicate of such declaration and certificate to the persons married, or to one of them, and shall transmit the other duplicate of such declaration and certificate to the Registrar of Births, Deaths, and Marriages of the district.

One copy to party, one to Registrar.

III. AND be it enacted, that as often as any such duplicate certificates of marriage are transmitted to any Registrar of a district, the same shall be by such Registrar carefully transcribed into his register book, and shall be subsequently by him transmitted to the Registrar General, who shall also transcribe the same in like manner as he is directed by the Ordinance to provide for the registration of births, deaths and marriages in the colony of Western Australia to transcribe the registers of marriage therein referred to.

Duplicate Certificate to be transcribed by Registrar.

IV. AND be it enacted, that every minister or priest who is hereby required to transmit a duplicate of the declaration and certificate of marriage as aforesaid to the Registrar of the district, and shall neglect to do so within one calendar month after the solemnization or performance of any such ceremony, or who being duly required to deliver any such certificate shall refuse or neglect so to do, shall be liable for every such offence to forfeit and pay a sum not exceeding fifty pounds.

Penalty for not transmitting Declaration and Certificate or neglect or refusal to deliver Certificate.

V. AND whereas in respect to the said Congregational or Independent and Baptist Denomination, there is not in the said colony any established form of Church Government nor any Ecclesiastical authority to which in case of doubt reference can be made as to the right of any individual to assume the character of a minister of either of the said Denominations; and whereas it is necessary to provide the means of ascertaining what person shall for the purposes of this Ordinance be considered ministers of such Independent and Baptist Denominations: Be it enacted, that no person professing to be a minister of the Independent and Baptist Denominations shall be allowed to celebrate marriages under this Ordinance, unless his name and the name and description of the Church or Chapel of which he professes to be the minister be registered in the office of the Registrar of Births, Deaths and Marriages of this colony, together with a declaration signed by the trustees of such Church or Chapel,

Who are to be considered Ministers of Independent or Baptist Denomination.

or

or if there be no trustees by the deacons of the same, to the effect that the person whose name shall be so registered is the ordained and officiating minister of such Church or Chapel, and that such minister is not engaged in any secular pursuit except the education of youth, and further that the Church or Chapel is not used for any purpose but for the worship of God or the education of youth.

VI. AND be it enacted, that whenever any minister whose name shall have been so registered as aforesaid shall die or depart from this colony, or cease to be minister of such registered Church or Chapel as aforesaid, the fact of such death, departure, or cessation of ministry shall within ninety days thereafter be registered in like manner by the said trustees or deacons, in the registry office aforesaid, or in default thereof such trustees, or such deacons, if there be no such trustees, shall on conviction before any two or more Justices of the Peace forfeit and pay a penalty or sum not exceeding ten pounds.

Death or Departure, &c.,
of such Minister to be
registered.

VII. AND be it enacted, that if from and after the passing of this Ordinance any person professing to be an Independent or Baptist minister, whose name shall not have been so registered as aforesaid, or if any person whose name shall have been so registered, but who subsequently shall have ceased to be a minister of the Church or Chapel for which he shall have been registered, shall celebrate any marriage within the limits of the said colony, such person shall on conviction before any two or more Justices of the Peace forfeit and pay for every such offence a penalty or sum not exceeding twenty pounds.

Penalty for unregistered
Minister, celebrating
Marriage.

VIII. AND be it enacted, that every district Registrar shall be entitled to demand and receive for every such transcription as aforesaid of any certificate of marriage the like fee as he is entitled to demand and receive in and by the said Ordinance for the registration of any marriage; and in case of neglect or refusal to pay the same, then to sue for and recover the amount in a summary way before any two Justices of the Peace in like manner as wages are recoverable by an Ordinance passed in the sixth year of the reign of her present Majesty, intituled "an Act to provide a summary remedy in certain cases of breach of contract."

Registrar's Fee, how re-
coverable.

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IX. AND be it enacted, that the ninth, tenth, and twenty-ninth sections of an Ordinance passed in the tenth year of the reign of her present Majesty, intituled "an Ordinance to repeal the existing laws respecting the solemnization of matrimony and to make other regulations respecting the same," shall, with exception of the reference in the said ninth section to a Registrar's certificate) be deemed to apply to all marriages solemnized or performed under the authority of this Ordinance, in like manner as if the said sections had been herein set forth at length and incorporated herewith.

9th, 10th, & 29th sections of 10th Vict. No. 18 to apply.

X. AND be it enacted, that all penalties and forfeitures imposed by this Ordinance shall be recovered and applied in the manner directed by an Ordinance passed in the tenth year of the reign of Her present Majesty, intituled "an Ordinance to repeal the existing laws respecting the solemnization of matrimony, and to make other regulations respecting the same";—Provided that no such penalty or forfeiture shall be sued for after the expiration of two years after the day on which the same shall be alleged to have been incurred.

Recovery and appropriation of penalties.

XI. AND be it enacted, that whenever the word Registrar occurs in this Ordinance, it shall be deemed and taken to mean the Registrar of Births, Deaths and Marriages.

Meaning of the word Registrar.

CHARLES FITZGERALD,
GOVERNOR AND COMMANDER-IN-CHIEF

*Passed the Council }
9th May, 1849. }*

THOMAS N. YULE,
Acting Clerk of the Council.

SCHEDULES

SCHEDULES REFERRED TO.

A**Form of Declaration.**

I, A. B. (or we, as the case may require), do hereby declare that I am (or we are) a Member (or Members) of, or hold communion with the Roman Catholic Church (or other Church or Denomination, as the case may be), and that I believe that there is not any impediment of kindred or alliance or other lawful hindrance to my intended Marriage; and that I, A. B. (or C. D., as the case may be) have (or has) had my (or his or her) usual place of abode for the space of Fifteen Days last past within the District of _____ And further [if the case require it] that I, A. B. (or C. D.) not being a Widower (or Widow), am (or is) under the age of Twenty-one Years, and that the consent of G. H., whose consent to my (or his or her) Marriage is required by law, has been obtained thereto [or that there has been a judicial approval thereof.]

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B.

Form of Certificate.

No.	When and where Married.	Name and surname.	Under or above the age of 21 years.	Condition.	Rank or Profession.	Residence at the time of Marriage.	Father's name and surname.	Rank or Profession of Father.

Married in the
according to the rites and ceremonies of the Roman Catholic Church
(or other Church or Denomination, as the case may by,) by me

Signed Priest or Minister.

This Marriage }
was solemnized } A. B.
between us } C. D.

In the presence }
of us }