

# Supplement to Government Gazette

OF  
WESTERN AUSTRALIA,  
OF FRIDAY, 21ST DECEMBER, 1894.

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PERTH: SATURDAY, DECEMBER 22. [1894.]

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## Erratum.

THE date of the Notice in *Government Gazette* of 21st instant, notifying appointment of EDWARD HORNE WITTENOOM, Esquire, to be Minister of Mines, should read *19th* instead of *4th* December, 1894.

Government Offices, Perth,  
21st December, 1894.

By Command,  
D. B. ORD,  
Private Secretary.

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No. 5884.—C.S.O.

*Colonial Secretary's Office, Perth, 21st December, 1894.*

THE Registration of Births, Deaths, and Marriages Act, 1894, and The Marriage Act 1894, passed during the last session of Parliament, are published for general information.

JOHN FORREST,  
Colonial Treasurer.

WESTERN AUSTRALIA.



ANNO QUINQUAGESIMO OCTAVO  
VICTORIÆ REGINÆ.

No. 16.

AN ACT to consolidate and amend the Law relating to the Registration of Births, Deaths, and Marriages.

[Assented to, 8th November, 1894.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. THIS Act is divided into Parts, as follows:—

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|--|------------------|
| PART I.—PRELIMINARY: ss. 2 and 3.                  | Division of Act. |
| PART II.—ADMINISTRATION: ss. 4–19.                 |                  |
| PART III.—REGISTRATION OF MINISTERS: ss. 20–26.    |                  |
| PART IV.—REGISTRATION OF BIRTHS: ss. 27–33.        |                  |
| PART V.—REGISTRATION OF DEATHS: ss. 34–39.         |                  |
| PART VI.—REGISTRATION OF MARRIAGES: ss. 40 and 41. |                  |
| PART VII.—MISCELLANEOUS AND PENALTIES: ss. 42–51.  |                  |

and may be cited as “The Registration of Births, Deaths, and Marriages Act, 1894,” and shall come into operation on the first day of January, 1895.

### PART I.—PRELIMINARY.

2. FROM and after the coming into operation of this Act, the Acts mentioned in the First Schedule to this Act are hereby repealed. Provided that such repeal shall not affect any proclamation or anything done thereunder, or any appointment, registration, or declaration made, or any notice or certificate given, or other matters and things done under the said repealed Acts, nor any offences committed or penalties incurred against and under the said repealed Acts, which said offences and penalties may be prosecuted and recovered as if this Act had not been passed.

Short title and commencement of Act.

Repeal.  
First Schedule.

Interpretation.

3. IN this Act, unless inconsistent with the context or subject matter:

“District Registrar” means any district registrar or assistant district registrar appointed to administer the provisions of this Act.

“Gazette” means the *Western Australian Government Gazette*.

“Governor” means the Governor or Officer for the time being administering the Government of the Colony of Western Australia, acting with the advice of the Executive Council.

“Minister” means a minister of religion duly authorised by law to celebrate marriages within Western Australia.

“Parent” means father, or if dead or absent, the mother or guardian.

“Seal” means any seal, stamp, or die caused to be made by the Registrar General for the purposes of this Act.

“Occupier of any house or tenement” means principal occupier for the time being of any dwelling-house or tenement, and in the case of any gaol, prison, hospital, lunatic asylum, or other public or charitable institution, the head officer or person in actual charge thereof.

## PART II.—ADMINISTRATION.

General Registry Office; Registrar General.

4. THE office heretofore established for the general registration of births, deaths, and marriages, in the City of Perth, shall continue to be such office, under the name of “The General Registry for Western Australia,” and the present “Registrar General” shall continue to hold his office under this Act. The Governor may, upon any vacancy occurring in such office, appoint a fit person to fill any such vacancy.

Governor may by notice establish registry districts.

5. THE Governor may, for the purposes of this Act, by notice in the *Gazette*, from time to time, establish and fix the boundaries of a registry district or registry districts, and may in like manner, from time to time, by any subsequent notice, alter or vary any such district, and the boundaries of any district.

Governor may appoint district registrars.

6. THE Governor may from time to time appoint district registrars and assistant district registrars for such districts respectively, and may revoke and alter such appointments.

Provision in case of absence of Registrar General or district registrars.

7. WHENEVER the Registrar General or any district registrar is unavoidably absent or away upon leave, the Governor may appoint a fit person to act in his stead, who shall, while so acting, have all the powers and duties of, and be subject to all the provisions and penalties affecting the Registrar General or district registrar, as the case may be.

Registrars to notify office.

8. EVERY district registrar and assistant district registrar shall dwell within the district for which he is registrar, and shall cause a notice board, bearing the words “district registrar” or “assistant district registrar,” as the case may be, to be placed in some conspicuous place on the outside door of the building in which his office is situated.

9. (1.) THE Governor may from time to time make and issue regulations for the management of the general and district registries, and for the more effectually carrying out the provisions of this Act, and may from time to time alter, amend, or repeal such regulations and substitute others in their stead; and such regulations, on being published in the *Gazette*, shall have the force of law.

Governor may issue regulations.

(2.) The production of a copy of any such *Gazette* containing any such regulation shall be sufficient evidence of the due making of such regulation and shall be *prima facie* evidence that it is still in force.

Copy of *Gazette* to be evidence.

(3.) Until other regulations are made under this Act, the regulations made under the Acts hereby repealed shall remain in force, where not inconsistent with the provisions of this Act.

Existing regulations to remain in force until regulations made under this Act.

10. THE Registrar General and every district registrar and assistant district registrar shall, for the duties to be performed under this Act or any Act for regulating marriages, respectively receive the several fees specified in the Second Schedule to this Act; and until the Governor otherwise directs, by order to be published in the *Gazette*, all such fees when received by a district registrar shall be retained by such district registrar to his own use; and of such fees when received by an assistant district registrar one moiety shall be retained by such assistant district registrar for his own use, and the other moiety shall be transmitted to and retained by the district registrar for his own use, and such fees when paid to the Registrar General or in his office shall be accounted for and be paid by him to the Colonial Treasurer, for the general revenue of the said Colony.

Fees payable for registration and disposal thereof.

Second Schedule.

11. THE Registrar General shall, from time to time, at the public expense, furnish to every district registrar books for the registry therein of births, deaths, and marriages, and forms for certified copies thereof respectively, and also to every minister a sufficient number of marriage registry books and forms. All books and forms furnished under the provisions of the Acts hereby repealed may be used until others are supplied in lieu thereof under this Act.

Registrar General to supply books, &c., to district registrars and ministers.

12. EVERY district registrar shall inform himself carefully of every birth or death happening within his district, and shall, as soon as possible after the event, register the same respectively, and the several particulars of every such birth or death contained in the forms prescribed in the Third and Fourth Schedules to this Act as the case may require, in the proper books respectively furnished to him in that behalf; and shall make every entry in order from the beginning to the end of such books, and shall number the pages of every such book consecutively.

Duties of district registrars as to registration.

Third and Fourth Schedules.

13. (1.) THE Registrar General may from time to time prescribe the form of certificate of the cause of death to be given by duly qualified medical practitioners, and shall from time to time furnish to every district registrar printed forms of such certificates, and every district registrar shall furnish such forms gratis to any such practitioner residing or practising in such district registrar's district.

Certificates of causes of death to be supplied by medical practitioners.

(2.) In case of the death of any person who has been attended in his last illness by any such practitioner, such practitioner shall sign and give to the person required by this Act to give information concerning such death, or to a Resident Magistrate exercising jurisdiction within the district wherein such death occurs, such certificate; and such person, upon giving information

Certificates to be signed by medical practitioners.

concerning such death, or such Resident Magistrate shall forthwith deliver such certificate to the district registrar; and the cause of death as stated in such certificate shall be entered in the district registrar's register, with the name of the certifying practitioner.

Except in case of inquest.

(3.) Whenever an inquest is held on the body of any deceased person such certificate need not be given to the district registrar, but the verdict of the jury or the opinion of the coroner shall be given by the coroner in writing to the district registrar, and shall be sufficient.

Penalty for neglect to furnish certificate.

(4.) In case of the death of any person who has been attended in his last illness by any such practitioner, such practitioner fails or neglects to give such certificate as aforesaid, or if any person or Resident Magistrate to whom such certificate is given by such practitioner, in pursuance hereof, fails to deliver the same to the district registrar, such practitioner, person, or resident magistrate, as the case may be, shall be guilty of an offence against this Act and liable to a penalty not exceeding Forty shillings.

District Registrars to transmit monthly to Registrar General duplicates of registers.

14. EVERY district registrar shall, on the first day of every month, transmit to the Registrar General duplicates of the registers of births, deaths, and marriages made and entered in his office during the month preceding; and all such duplicates shall be thereafter kept in the general registry, in such order and manner as the Registrar General thinks fit, so that the same may be most readily seen and examined.

Registrar General to provide seals of office.

15. THE Registrar General shall provide at the public expense a seal or stamp for the general registry, and for each district registry office; and the Registrar General and district registrars shall sign, and cause to be sealed or stamped therewith, all certificates or certified copies.

Searches may be made and certified copies given.

Second Schedule.

16. THE Registrar General and every district registrar shall at all reasonable times allow searches to be made of any register book in his keeping, and shall give a certified copy under his hand of any entry in the same, on payment of the fees specified in Second Schedule to this Act, or such other fees as may for the time being be lawfully demanded under this Act.

Indexes to be kept by Registrar General and district registrars.

17. THE Registrar General shall keep or cause to be kept in the general registry indexes of all births, deaths, and marriages in the said Colony; and every district registrar shall cause indexes of his register-books to be made and kept in his office.

Certified copies of registers, or entries of registers, to be received as *prima facie* evidence.

18. CERTIFIED copies of registers, or of entries of registers, made or given by the Registrar General, or any district registrar, and sealed with the seal of the office, purporting to be signed by such officers respectively, shall be received as *prima facie* evidence in all proceedings, whether civil or criminal, of the fact of the birth, death, or marriage to which the same relates: Provided that no entry of the register of the death of any person shall be admitted as evidence of the fact of such death, unless there is also an entry of the register of the burial or other disposal of the dead body of such person.

Fees to be paid under Act. Second Schedule.

19. (1.) THE fees set forth in the Second Schedule shall be demanded and paid in respect of the matters and things therein respectively mentioned, or such other fees as shall hereafter from time to time be fixed by the Governor in lieu thereof or in addition thereto, either in respect of the same matters and things or any other matters and things to be done under this Act.

(2.) The Governor may at any time, by order to be published in the *Gazette*, direct that any fee or fees mentioned in the said Schedule be no longer demanded, and thereupon such fee or fees shall cease to be payable.

### PART III.—REGISTRATION OF MINISTERS.

**20.** (1.) THE Registrar General, upon receiving a request in writing to be registered for the celebration of marriage under the hand of any minister of religion ordinarily officiating as such, or of the head of the denomination to which he belongs, shall, if the Registrar General is satisfied that the particulars required by law contained in such request are true, and that such minister is a fit and proper person to celebrate marriages, and that such request should be acceded to in the interest of the public, forthwith, without fee or reward, register the name of such minister, with such particulars, in a register book to be kept by him expressly for that purpose.

Ministers for celebrating marriage to register name, designation, &c.

(2.) Such request shall specify the religious denomination, designation, and residence of such minister to be registered as aforesaid.

Form of request.

(3.) Previous to completing such registration, the Registrar General may require proof by statutory declaration of the particulars contained in such request.

Registrar may require proof.

**21.** UPON a complaint in writing being preferred to the Governor by the Registrar General, or by a minister through the Registrar General, setting forth that any minister has ceased to be qualified to be an officiating minister of religion, or has been guilty of any wilful irregularity in the celebration of any marriage, or has wilfully offended against this Act, or has been convicted of treason, felony, or other infamous crime, the Governor may call upon the person so complained of to answer the charges contained in such complaint; and if such person does not, to the satisfaction of the Governor, answer such charges, the Governor may direct the registration of such person to be cancelled, and thereupon the Registrar General shall make an entry of such registration being cancelled, and shall notify the same in the *Gazette*; and upon such notification, the powers and authority of such minister under this Act and the law relating to the celebration of marriage shall absolutely cease and determine.

Governor may direct registration of officiating minister to be cancelled.

**22.** WHENEVER any minister registered as aforesaid ceases to reside in the registrar's district within which his registered or last registered residence was situated, or whose denomination and designation cease to be properly described on the register, he shall, within three months next following, cause his new residence, denomination, or designation (as the case may be) to be registered anew with the Registrar General, or in default thereof such minister shall cease to be authorised to celebrate marriages.

In case of change of residence, etc., minister to register afresh.

**23.** THE Registrar General shall publish in the *Gazette*, within one month after registering the same, the name, denomination, designation, and residence of every minister so registered.

Registrar General to publish names, &c., of ministers so registered.

**24.** THE Registrar General shall also, in the month of January in every year, publish in the *Gazette* the names of all ministers registered by him for the celebration of marriages, with their designations, denominations, and residences, distinguishing the registry districts within which such residences are situated respectively;

Registrar General to publish annually a list of all such registrations.

and every such annual publication shall be *prima facie* evidence in all proceedings, whether civil or criminal, that the persons therein named were then ordinarily officiating and duly registered ministers of religion for the celebration of marriages.

Names of ministers who have left the Colony or died to be omitted from such lists.

**25.** WHENEVER the registration of any minister is cancelled, or the Registrar General knows that any minister is dead, or has left the Colony, or resides in another district than the one in which he was last registered as residing, or has ceased ordinarily to officiate as a minister, he shall omit the name of such minister from the next annual publication in the *Gazette* of the names of ministers.

Penalty for wilful misrepresentation by minister registering.

**26.** IF any person causes his name to be registered under this Act for the celebration of marriages who is not a minister of religion and ordinarily officiating as such, such person shall be guilty of a misdemeanour, and be liable, on conviction, to such fine (not exceeding Two hundred pounds), or imprisonment, with or without hard labour, not exceeding two years, as the Court awards.

#### PART IV.—REGISTRATION OF BIRTHS.

Births must be registered within sixty days.

**27.** (1.) THE parent of any child born, or the occupier of any house or tenement, in Western Australia, in which any birth takes place, shall, within sixty days next after the day of such birth, cause the district registrar to be informed of such birth, and shall give to such district registrar, according to the best of his knowledge and belief, the several particulars contained in the Third Schedule to this Act, and hereby required to be known and registered, relating to the birth of such child.

Third Schedule.

Registration of birth of child born elsewhere than in Western Australia.

(2.) The parent of any child under the age of eighteen months born in any country other than Western Australia shall, if remaining within Western Australia for a period of sixty days, within such period cause the district registrar to be informed of the birth of such child, and shall make a statutory declaration of the truth of all such particulars as aforesaid.

Registration of birth; how permissible after sixty days.

**28.** AFTER the expiration of sixty days and within twelve months next following the day of the birth of any child in Western Australia, or the arrival in Western Australia of any child under the age of eighteen months, the district registrar may register such birth, upon payment of the fee prescribed by this Act, and upon the parent or other person making the application making a statutory declaration as to the truth of the particulars required by said district registrar concerning the same.

Masters of British and Colonial vessels, on arrival, to report births occurring at sea.

**29.** ALL masters or commanders of British vessels, or of any colonial vessel, shall, on arrival at any port in Western Australia, send through the health officer of such port, or if there be no health officer, through the chief officer of Customs, to the district registrar, free of charge, for registration, the particulars of every birth which has occurred on board such vessel while at sea, and shall, to the best of his knowledge and belief, fill in the form in the Fifth Schedule to this Act; and such form shall, on the request of any such master or commander, be supplied to him by such health officer or officer of Customs, and such particulars shall be entered by the district registrar in a book to be kept for that purpose, to be called the Marine Register for Births, and shall forthwith transmit the said form to the Registrar General, to be entered by him in a similar book, to be called the General Marine Register of Births.

Fifth Schedule.

**30.** NEITHER the Registrar General nor a district registrar shall register the birth of any child after the expiration of twelve months next following the day of such birth if in Western Australia, or following the arrival therein of the child if born at sea or out of Western Australia; and no register, or certified copy of a register of birth, made contrary to this provision shall be received in evidence to prove the birth of any child, and every person who knowingly registers, or causes to be registered, the birth of any child after the expiration of twelve months next following the day of the birth or arrival in Western Australia shall be guilty of an offence against this Act, and be liable to a penalty not exceeding Fifty pounds for every such offence.

Not lawful to register birth after twelve months following such birth, or after arrival of child in Western Australia.

**31.** IF any child whose birth has been registered has at any time after such registration any name duly given to it, the parent shall, within fourteen days next thereafter, procure and deliver to the district registrar in whose custody the registry of the birth of such child then happens to be a certificate, according to the form in the Sixth Schedule hereto, signed by the minister or other person who has given such name; and such minister or other person shall deliver such certificate whenever demanded, on payment to him of the fee of one shilling; and the district registrar shall, upon receipt of such certificate, without any erasure of the original entry, forthwith register therein that the child was baptised by such name, or had such name given to it; and shall thereupon transmit to the Registrar General a certified copy of the additional entry so made.

Registration of name when given subsequently to original registration of birth.

Sixth Schedule.

**32.** WHENEVER any new-born child is found exposed, the chief or head of the police in the district shall forthwith inform the district registrar thereof, and of the place where the child was found.

Where new-born child is found, notice to be given to district registrar.

**33.** NOTWITHSTANDING anything contained in the repealed Ordinance passed in the nineteenth year of the reign of Her present Majesty, and numbered twelve, all births registered previous to the coming into operation of this Act shall be deemed to be duly registered under this Act.

Births previously registered to be deemed duly registered under this Act.

#### PART V.—REGISTRATION OF DEATHS.

**34.** THE occupier of every house or tenement in Western Australia, in which any death occurs, shall, within fourteen days next following the day of such death, cause the district registrar to be informed of such death, and, to the best of his knowledge and belief, furnish the several particulars contained in the Fourth Schedule to this Act hereby required to be known and registered relating to such death.

Deaths must be registered within fourteen days.

Fourth Schedule.

**35.** ALL masters or commanders of British vessels, or of any colonial vessel, shall, on arrival at any port in Western Australia, send through the health officer of such port, or if there be no health officer, through the chief officer of Customs, to the district registrar, free of charge, for registration, the particulars of every death which has occurred on board such vessel while at sea, and shall, to the best of his knowledge and belief, fill in the form in the Seventh Schedule to this Act; and such form shall, on the request of any such master or commander, be supplied to him by such health officer or officer of Customs, and such particulars shall be entered by the Registrar General in a book to be kept for that purpose, to be called the Marine Register of Deaths, and shall forthwith transmit the said form to the Registrar General, to be entered by him in a similar book, to be called the General Marine Register of Deaths.

Masters of British and Colonial vessels, on arrival, to report deaths occurring at sea.

Seventh Schedule.

Registrations of death not to be made after twelve months have elapsed since death.

**36.** NEITHER the Registrar General nor a district registrar shall register the death of any person after the expiration of twelve months next following the day of such death, and no register or certified copy of a register of deaths made contrary to this provision shall be received in evidence to prove the death of any person; and every person who knowingly registers, or causes to be registered, the death of any person after the expiration of twelve months next following the day of such death shall be guilty of an offence against this Act, and be liable to a penalty not exceeding Fifty pounds for every such offence.

Where dead body is found notice to be given to the district registrar.

**37.** WHENEVER any dead body is found exposed, the Resident Magistrate of the district shall forthwith inform the district registrar thereof, and of the place where the dead body was found.

Coroner holding inquest to notify district registrar.

**38.** WHENEVER an inquest is held on any dead body, the coroner shall notify to the district registrar the verdict of the jury or the opinion of such coroner, with such particulars as such district registrar requires concerning the death, and such district registrar shall enter the same accordingly.

On demand by undertaker, district registrar to furnish him with certificate of registration of death.  
Eighth Schedule.

Undertaker to deliver such certificate to the minister.

**39.** EVERY district registrar, immediately upon registering any death, or as soon thereafter as he is required so to do, shall, without fee or reward, deliver to the undertaker or other person having charge of the funeral a certificate, under his hand, according to the form in the Eighth Schedule to this Act, that such death has been duly registered; and such certificate shall be delivered by such undertaker or other person to the minister of religion or officiating person who is required to bury or perform any religious service for the burial; and if any dead body is buried for which no certificate has been so delivered, the person who buries the same, or performs any funeral or religious service for the burial, or who in any other way disposes of the body, shall forthwith give notice of the facts to the district registrar: Provided always, that the coroner holding any inquest upon any dead body for which no certificate has been delivered as aforesaid, may order the body to be buried, if he thinks fit, before registration, and shall in such case give a certificate of his order in writing, under his hand, according to the form in the Ninth Schedule to this Act, to such undertaker or other person having charge of the funeral; and every undertaker or other person who buries or otherwise disposes of any dead body shall forthwith cause to be transmitted to the district registrar a certificate thereof in the form in the Tenth Schedule to this Act, countersigned by the minister officiating at such burial or by two respectable persons, and every such burial shall be registered with the death of such person.

Ninth Schedule.

Tenth Schedule.

#### PART VI.—REGISTRATION OF MARRIAGES.

Every marriage to be registered immediately after celebration.

Eleventh Schedule.

**40.** EVERY minister and district registrar shall, immediately after a marriage celebrated by him, register, or cause to be registered in triplicate, in the marriage registry forms to be supplied to him as aforesaid, the several particulars relating to that marriage, according to the form of the Eleventh Schedule to this Act, and every such entry shall be signed by the minister or district registrar celebrating the marriage, and by the persons married, and by the requisite number of witnesses, and shall be made in numerical order, and the number of the place of entry in each marriage register form shall be the same.

- (a.) One copy of every such register form shall, immediately after the marriage, be delivered to one of the parties thereto.
- (b.) Whenever the marriage is celebrated by a minister, he shall forthwith transmit the second copy of such register form, together with the fee, if any, for the registration of such marriage, to the district registrar of the district wherein such marriage is celebrated, to be by him transmitted to the Registrar General on the first day of the month next following the receipt thereof, after such district registrar shall have entered the same in the Marriage Register Book kept by him, and the minister shall retain the third copy of such register form as a record of the said marriage.
- (c.) Whenever the marriage is celebrated by a district registrar, the second copy of such register form shall be transmitted by him to the Registrar General, and the third copy shall be retained by the district registrar as a record of such marriage.

**41.** WHENEVER any minister, or other person duly authorised to celebrate marriages within Western Australia, celebrates any marriage, and fails to transmit particulars of the same as required by law to the district registrar, the Registrar General may register such marriage, after being duly satisfied by statutory declaration of the failure of such minister or person to transmit the same.

Registration of marriages after original failure to register.

#### PART VII.—MISCELLANEOUS AND PENALTIES.

**42.** (1.) WHENEVER any minister or district registrar celebrates, or is about to celebrate, a marriage, he may ask the parties to such marriage, or about to be married, the several particulars required to be registered touching such marriage.

Power to minister and district registrar to put questions to persons married, or about to be married.

(2.) Whenever any person desires to register any birth or death the district registrar may ask such person any of the particulars hereby required to be registered.

Registrar may ask particulars of birth or death.

(3.) Any party to a marriage, or person about to be married, or person desiring to register a birth or death, who refuses to answer any such questions, shall be guilty of an offence against this Act and be liable to a penalty not exceeding Five pounds.

Penalty.

**43.** (1.) NO alteration in any register of births, marriages, or deaths shall be made except in the manner hereinafter appearing.

Correction of errors in register.

(2.) Any clerical error which from time to time is discovered in any such register may be corrected by any person authorised in that behalf by the Registrar General.

Clerical errors.

(3.) An error of fact or substance in any such register may be corrected by entry in the margin without any alteration of the original entry by the Registrar General, or by a district registrar on the order of the Registrar General, upon payment of the fee specified in the Second Schedule to the Act, and upon the production by the person requiring such error to be corrected of a statutory declaration setting forth the nature of the error and the true facts of the case and made by the person required by this Act to give information concerning the birth or death with reference to which the error has been made, or by one of the parties to the marriage with reference to which such error has been made, or in default of such persons or party by two credible witnesses having knowledge of the truth of the case.

Errors of fact or substance.

Nothing contained in this Act to affect right of ministers to usual fees.

**44.** NOTHING herein contained shall affect, or be deemed or construed to affect, the right of any minister to receive the fees now usually paid for the performance of any religious rite of baptism, burial, or marriage.

Penalty for refusing or neglecting to give notice or information required by this Act or registering contrary to Act.

**45.** EVERY person who refuses or neglects to give any notice, information, or particulars, either by himself or a duly authorised agent, or to give or transmit any certificate required by this Act, or to pay or transmit any fee to be paid or transmitted under this Act, or who knowingly registers any birth, death, or marriage contrary to the provisions of this Act, shall be guilty of an offence against this Act and be liable to a penalty of not less than Two pounds and not exceeding Twenty pounds for every such offence.

Penalty for district registrar refusing or omitting to register or for negligently losing or injuring any register-book or certified copy.

**46.** (1.) EVERY district registrar who refuses, or without reasonable cause omits to register any birth, death, or marriage of which he has had due notice as aforesaid, and every person having the custody of any register-book, or certified copy thereof, or of any part thereof, who negligently loses or injures the same, or negligently allows the same to be injured whilst in his keeping, shall be guilty of an offence against this Act and be liable to a penalty of not exceeding Twenty pounds for every such offence.

Informants to sign register of births and deaths.

(2.) Every person by whom the information contained in any register of births or deaths under this Act shall have been given shall, at the time of giving such information, sign or attest his name, description, and place of abode, in the register, and no register or certificate of register of births or deaths, according to this Act, shall be given in evidence which shall not be signed or attested by some person professing to be the informant.

Penalty for district registrar omitting to furnish duplicates to Registrar General.

**47.** EVERY district registrar who wilfully or negligently omits to furnish the duplicates of registers hereinbefore required to be transmitted to the Registrar General on the first day of every month, or neglects to do any of the matters hereinbefore required to be done by him, shall be guilty of an offence against this Act, and be liable to a penalty of not less than Two pounds and not exceeding Ten pounds for every such offence.

Penalty for making false entries, declarations, &c.

**48.** EVERY person who wilfully makes, or causes to be made, any false statement or declaration touching any of the particulars herein required to be known and registered, shall be guilty of a misdemeanour, and on conviction thereof shall be subject to a fine not exceeding Two hundred pounds, with or without imprisonment with hard labour for any term not exceeding two years.

Penalty for wilful destruction of registry books, &c.

**49.** EVERY person who wilfully destroys, injures, or causes to be destroyed or injured, any register-book, or any part or certified copy of any part thereof, or falsely makes or counterfeits, or causes to be falsely made or counterfeited, any part of a register-book, or certified copy thereof, or wilfully inserts, or causes to be inserted, in any register-book or certified copy thereof, any false entry of any birth, death, or marriage, or wilfully gives any false certificate, or certifies any writing to be a copy or extract of any register-book knowing the same register to be false in any part thereof, or forges or counterfeits the signature, or seal, or stamp of the Registrar General, or of any district registrar, or of any impression thereof, shall be guilty of felony, and on conviction shall be liable, at the discretion of the Court, to be sentenced to penal servitude for any term not exceeding five years.

50. EVERY offence against this Act not declared to be a felony or misdemeanour shall be summarily punishable upon conviction before any two or more Justices of the Peace, in Petty Sessions, upon the complaint of any person.

Fines, &c., how to be recovered.

51. SECTIONS A, E, F, G, and H of “The Shortening Ordinance, 1853,” shall be incorporated with and taken to form part of this Act, to all intents and purposes, in as full and ample a manner as if the said sections had been introduced and fully set forth in this Act.

Shortening Ordinance.

In the name and on behalf of the Queen I hereby assent to this Act.

ALEX. C. ONSLOW, Governor’s Deputy.

SCHEDULES.

First Schedule.

Section 2.

Number and year of Act.	Title of Act.
19 Vic., No. 12...	An Ordinance for the better Registration of Births, Deaths, and Marriages in the Colony of Western Australia.
43 Vic., No. 15...	The Registration Ordinance Amendment Act.

Second Schedule.

Sections 10, 16, 19, and 27.

Every search in an index ( <i>to be paid before-hand</i> ) ... ..	Two shillings and sixpence.
Every certified copy of any entry ( <i>payable on delivery</i> ) ... ..	One shilling.
Every certificate on search ... ..	Seven shillings and sixpence.
Every birth registered within sixty days by a district registrar ... ..	One shilling.
Every birth registered within sixty days by an assistant district registrar ... ..	Two shillings.
Registration of a birth after sixty days by a district registrar ... ..	Five shillings.
Every birth registered after sixty days by an assistant district registrar ... ..	Ten shillings.
Every marriage registered ( <i>to accompany certificate</i> ) ... ..	Two shillings and sixpence.
Every death registered by a district registrar ... ..	One shilling.
Every death registered by an assistant district registrar ... ..	Two shillings.
Every correction of an entry ... ..	Two shillings and sixpence.
Every marriage performed by a district registrar	Forty shillings.



Fourth Schedule.

DEATHS in the District of Western Australia, registered by , District Registrar.

No.	Description.			(1) Cause of death. (2) Duration of last illness. (3) Medical attendant by whom certified; and (4) When he last saw deceased.	Name and Surname of Father and Mother, Maiden Name, if known, with Rank or Profession.	Signature, description, and residence of Informant.	(1) Signature of District Registrar. (2) Date, and (3) Where registered.	If Burial registered.		Where born, and how long in the Australian Colonies, stating which.	If deceased was Married.	
	When and where died.	Name and Surname, Rank or Profession.	Sex and Age.					When and where buried. Undertaker by whom certified.	Name and Religion of Minister, or Names of Witnesses of burial.		(1) Where and what to Whom. (2) Age, and (3) Whom.	Issue, in order of Birth, their Names and Ages.

Sections 12 and 34.



Sixth Schedule.

Section 31.

I, A.B., of \_\_\_\_\_, do hereby certify that I have this day baptised, by the name of *Thomas* (or that the name of *Thomas* has this day been given to) a male child, produced to me by *John Smith*, as the son of *John Smith* and *Mary Smith*, and declared by the said *John Smith* to have been born at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 189 .

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 189 .

(Signature.)

Seventh Schedule.

MARINE REGISTER OF DEATHS.

189 .

DEATHS on board the [here insert name of vessel], sailed from [here insert port of sailing] { Registered by \_\_\_\_\_ Signature of \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_ 189 , and arrived at [here insert port of arrival] { Master or \_\_\_\_\_ Master or \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_ 189 . Commander. \_\_\_\_\_ Commander. \_\_\_\_\_

No.	Description.			(1) Cause of Death. (2) Duration of last illness. (3) Medical attendant by whom certified; and (4) When he last saw deceased.	Name and Surname of Father and Mother, if known, with Rank or Profession.	Signature of Master or Commander.	Burial.		Where Born.	If deceased was Married.	
	When died, and lat. and long.	Name and Surname, Rank or Profession.	Sex and Age.				When buried.	Names and religion of Minister, or names of Witnesses of burial.		Where, and what age, and to whom.	Issue, in order of Birth, their Names and Ages.

Section 35.



WESTERN AUSTRALIA.

Certificate of Marriage.

[SECOND TRIPLICATE COPY.]

No.	When and where married.	Christian Name and Surname.	Age.	Condition.	Rank or Profession or occupation.	Residence.		Father's Christian name and Surname.	Rank or Profession of Father.	Mother's Christian name and maiden name.
						Present.	Usual.			

Married in the , according to the rites and ceremonies of  
[or, according to the provisions of "The Marriage Act, 1894,"  
in case of marriage by a District Registrar], by me, after oath (or "declaration")  
duly made as by law required [and under Special License].

(Signature)

This marriage was }  
solemnised between }  
us }

{ in the }  
{ presence }  
{ of us }

NOTE.—To be endorsed with declaration or solemn affirmation. (See Sec. 7 of "The Marriage Act, 1894.")

Add the words "and under Special License," when such license is issued under Section 20 of "The Marriage Act, 1894."

WESTERN AUSTRALIA.

Certificate of Marriage.

[THIRD TRIPLICATE COPY.]

No.	When an where married.	Christian Name and Surname.	Age.	Condition.	Rank or Profession or occupation.	Residence.		Father's Christian name and Surname.	Rank or Profession of Father.	Mother's Christian name and maiden name.
						Present.	Usual.			

Married in the , according to the rites and ceremonies of  
[or, according to the provisions of "The Marriage Act, 1894,"  
in case of marriage by a District Registrar], by me, after oath (or "declaration")  
duly made as by law required [and under Special License].

(Signature)

This marriage was }  
solemnised between }  
us }

{ in the }  
{ presence }  
{ of us }

Add the words "and under Special License," when such license is issued under Section 20 of "The Marriage Act, 1894."

## WESTERN AUSTRALIA.



ANNO QUINQUAGESIMO OCTAVO

VICTORIÆ REGINÆ.

NO. 11.

AN ACT to consolidate and amend the Law relating to  
the Celebration of Marriage.

[Assented to 1st November, 1894.]

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Division of Act.

## 1. THIS Act is divided into parts, as follows:—

PART I.—PRELIMINARY, ss. 2-4;

PART II.—PERSONS AUTHORISED TO CELEBRATE MARRIAGES, AND TIME THEREOF, ss. 5 and 6;

PART III.—CELEBRATION OF MARRIAGE, ss. 7-20;

PART IV.—OFFENCES, ss. 21-26;

PART V.—MISCELLANEOUS, ss. 27-38.

## PART I.—PRELIMINARY.

Short title and commencement.

2. THIS Act may be cited for all purposes as “The Marriage Act, 1894,” and shall come into operation and take effect on and from the first day of January, one thousand eight hundred and ninety-five.

Repeal of Acts.  
First Schedule.

3. (1.) THE Acts specified in the First Schedule to this Act are hereby repealed.

Existing marriages.

(2.) Such repeal shall in nowise affect the validity of any marriage celebrated before the coming into operation of this Act, but every such marriage shall from the time of the celebration of the same remain and continue as legal and as valid as though this Act had never been passed.

Saving of things  
duly done; pro-  
ceedings and offences  
under repealed Acts.

(3.) Whenever, before the coming into operation of this Act, any offence against the Acts hereby repealed has been wholly or partly committed, or any penalty thereunder has been incurred, or any act or thing has been done under the authority thereof, or where in respect of any matter or thing done prior to the coming into operation of this Act any right, liability, or privilege accrues or has accrued, or any action, 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 or thing shall remain valid and have effect, and every such right, liability, or privilege shall continue and be in force, and every such action, prosecution, or other proceeding shall be prosecuted, continued, or defended in the same manner as if this Act had never been passed.

4. IN this Act, unless the context otherwise indicates, the following terms shall have the meanings set against them respectively:—

Interpretation.

“Church” shall include a cathedral, chapel, or other building or place in which religious services are regularly held.

“District” shall mean a district established for the registration of births, deaths, and marriages under the law for the time being regulating such registration.

“District Registrar” shall mean the officer appointed to register births, deaths, and marriages within a district, but shall not include any assistant district registrar.

“Minister” shall mean any minister of religion authorised to celebrate marriages under this Act.

“Registrar General” shall mean the Registrar General of births, deaths, and marriages appointed under the law for the time being regulating the registration of births, deaths, and marriages within Western Australia.

## PART II.—PERSONS AUTHORISED TO CELEBRATE MARRIAGES, AND TIME THEREOF.

5. SUBJECT to the provisions of this Act, the following persons, and none other, may celebrate marriages:—

Persons who may celebrate marriages.

- (1.) A minister of religion, ordinarily officiating as such, whose name, designation, religious denomination, and usual place of residence have been and continue to be duly registered according to law in the office of the Registrar General as authorised to celebrate marriages, or
- (2.) The district registrar of the district wherein the marriage is celebrated.

6. NO marriage shall be celebrated before eight o'clock in the morning or after six o'clock in the evening: Provided that no district registrar shall be compellable to celebrate a marriage after four o'clock in the afternoon, or at all on any Sunday or Bank Holiday.

Time of celebration of marriage.

## PART III.—CELEBRATION OF MARRIAGE.

### *General Provisions as to Marriage.*

7. NO marriage shall be celebrated unless and until a declaration upon oath or solemn affirmation has been made by the parties to such intended marriage, in the respective forms set forth in the Second Schedule to this Act, before the minister or district registrar celebrating such marriage, who are hereby authorised to administer such oaths and to take and receive such declarations and solemn affirmations; and every such declaration or solemn affirmation shall be endorsed upon the back of the register form of such marriage required by the law regulating the registration of marriages to be transmitted to the Registrar General.

Declaration by parties to marriage.

Second Schedule.

8. NO marriage shall be celebrated unless two or more witnesses, of the full age of twenty-one years and upwards, are present.

Witnesses to marriage.

9. IF either party to any intended marriage, not being a widow or widower, is under the age of twenty-one years, such marriage shall not be celebrated unless there is produced to the minister or district registrar about to celebrate such marriage the consent

Consent in case of minority.

Third Schedule.

according to one of the forms contained in the Third Schedule to this Act, of the father of such party, if he is within Western Australia, or if he is not within Western Australia, of a guardian appointed by such father; or if there is no such guardian within Western Australia, of the mother of such party, if she is in Western Australia; or if there is no such parent or guardian within Western Australia, or if such parent or guardian is incapable of duly consenting by reason of distance, habitual intoxication, mental incapacity, or other substantial cause, of some Justice of the Peace. Provided that such Justice of the Peace shall make inquiry as to the facts and circumstances of the case before giving such consent.

Consent to be endorsed on Certificate of Marriage.  
Fourth Schedule.

**10.** WHENEVER any marriage is celebrated upon the production of any such consent as aforesaid, a statement of the fact of such consent, in the form contained in the Fourth Schedule to this Act, shall be endorsed on each register form of such marriage required to be made by the law regulating the registration of marriages, and shall be signed by the minister or district registrar celebrating such marriage.

Marriages to be registered in triplicate.

**11.** IMMEDIATELY after the celebration of every marriage, the minister or district registrar celebrating the same shall register or cause to be registered, in triplicate, the several particulars relating to such marriage, as required by the law regulating the registration of marriages.

*Additional Provisions—Marriages by Ministers.*

Minister may celebrate marriage after banns, or

**12.** EXCEPT by special license hereinafter mentioned, no minister shall celebrate any marriage unless and until—

Notice posted on door of church, &c., or  
(Fifth Schedule.)

- (1.) The banns of such marriage have, within the three months next preceding the date of such marriage, been duly published on three consecutive Sundays in a church within the district wherein one of the parties to such marriage resides, and within which such marriage shall be celebrated; or
- (2.) A notice in writing of the intention to celebrate such marriage, in the form contained in the Fifth Schedule to this Act, has within the three months next preceding the date of such marriage been affixed for three consecutive Sundays to the outer door of a church within the district wherein one of the parties to such marriage resides, and within which such marriage shall be celebrated; or

Notice to District Registrar.  
Sixth Schedule.

- (3.) The parties to such marriage have, within three months next preceding such marriage, given notice, in the form contained in the Sixth Schedule to this Act, to the district registrar of the district wherein such parties have respectively resided for not less than seven days next preceding the giving of such notice, and the respective certificates of the giving of such notice hereinafter mentioned are produced to such minister before such marriage. Provided always, that if such parties have resided in the same district for not less than seven days as aforesaid, or if one of such parties is not, or has not resided, in Western Australia for seven days immediately preceding the giving of such notice, then notice as aforesaid by one of such parties shall be deemed to be notice on behalf of each of such parties, and the production of the certificate of such notice shall be sufficient.

*Additional Provisions—Marriages by District Registrars.*

**13.** NO district registrar shall celebrate any marriage unless and until—

District Registrar not to celebrate marriage except after declaration made.

- (1.) The parties to such marriage have made, in the presence of such district registrar, a declaration in the form contained in the Seventh Schedule to this Act; and

Seventh Schedule.

- (2.) Such parties have, within the three months next preceding such marriage, given notice, in the form contained in the Sixth Schedule to this Act, to the district registrar of the district wherein such parties have respectively dwelt, for not less than seven days next preceding the giving of such notice. Provided always, that if both of such parties have resided in the same district for not less than seven days as aforesaid, or if one of such parties is not, or has not resided, in Western Australia for seven days immediately preceding the giving of such notice, then notice as aforesaid by one of such parties shall be deemed to be notice on behalf of each of such parties; and

Notice given.

Sixth Schedule.

- (3.) The certificates or certificate according to the circumstances of the case hereinafter required of the giving of such notice are or is produced to such district registrar before such marriage.

Certificate produced.

**14.** NO marriage shall be celebrated by any district registrar other than the district registrar or one of the district registrars to whom the notice specified in the last preceding section has been given as aforesaid.

Marriage not to be celebrated except by District Registrar to whom notice is given.

**15.** NO marriage shall be celebrated by a district registrar except in his office and except in the form of words set forth in the Eighth Schedule to this Act, which form of words shall be repeated and signed by the parties to such marriage respectively.

Form of marriage by District Registrar. Eighth Schedule.

**16.** THE district registrar receiving the notice in the form contained in the Sixth Schedule to this Act shall forthwith post a true copy thereof in a conspicuous place in his office, and on the outer door of the building wherein such office is situate, and shall also enter a true copy of such notice into a book provided for that purpose, to be called "The Marriage Notice Book," and such book shall be opened at all reasonable times, without fee, to all persons desirous of inspecting the same; and for every entry so made the district registrar may charge the fee of one shilling.

District Registrar to post notices in his office and enter same in Marriage Notice Book.

**17.** AFTER the expiration of seven days from the giving of such notice the district registrar receiving the same shall, upon the request of or on behalf of either party to the marriage mentioned in such notice, and upon payment of the fee of one shilling, issue under his hand a certificate in the form contained in the Ninth Schedule to this Act, unless—

After seven days certificate of notice to be given.

Ninth Schedule.

- (1.) It is shown to the satisfaction of such district registrar that some lawful impediment exists why such certificate should not issue, or
- (2.) The issue of such certificate is forbidden in the manner hereinafter mentioned by any person whose consent to such marriage is required by law.

Issue of District Registrar's certificate may be forbidden.

**18.** ANY person whose consent to a marriage is required by law may forbid the issue by a district registrar of such certificate, by writing or causing to be written, at any time before such issue, the word "forbidden" opposite to the entry of the notice of such marriage in the Marriage Notice Book, and by subscribing or causing to be subscribed thereto his place of abode and character as parent or guardian.

Notices to be sent to Registrar General.

**19.** EVERY district registrar shall, on the first day of every month, transmit to the office of the Registrar General all notices of marriages received by such district registrar and all certificates thereof received by him during the month preceding, and such notices and certificates shall be thereafter kept in such office in such order and manner as the Registrar General thinks fit, so that such notices and certificates may be most readily seen and examined.

#### *Marriage by Special License.*

Governor or Resident Magistrate may grant Special License in certain cases.

**20.** WHEN by reason of the parties to an intended marriage, or one of them, residing at a distance of fifty miles—

(a.) From a church belonging to the religious denomination according to the rites of which the parties desire to be married; or

(b.) From the office of a district registrar; or

when, by reason of special circumstances, it is shown to the satisfaction of the Governor or any Resident Magistrate that there exists a good reason for the speedy celebration of a marriage, and that the circumstances of the case will not admit of a compliance with the provisions of this Act as to the publication of banns or the posting or giving of notice of such marriage, then in such case the Governor or any Resident Magistrate may grant his license for the celebration of such marriage without compliance with such provisions, in the form in Tenth Schedule to this Act, and thereupon such marriage may be celebrated. Such license shall be produced and delivered to the person about to celebrate the marriage, and after the celebration thereof shall be transmitted, with the register form of marriage, in the case of a Minister to the district registrar, and in the case of a district registrar to the Registrar General.

Tenth Schedule.

#### PART IV.—OFFENCES.

Certain offences by ministers and District Registrars and others to be misdemeanours.

**21.** (1.) EXCEPT a minister of religion whose name, designation, religious denomination, and usual place of residence have not been, and do not continue to be duly registered as a minister authorised to celebrate marriages by reason of accident or inadvertence, any person other than a minister or a district registrar who celebrates or professes or attempts to celebrate a marriage, and

(2.) Any minister or district registrar who celebrates or attempts to celebrate a marriage—

(a.) Unless previous to such marriage a declaration upon oath or solemn affirmation, as prescribed by this Act, has been made; and

(b.) Unless two witnesses at least are present; and

(c.) If either party to such marriage not being a widower or widow is under the age of twenty-one years, unless the consent required by this Act is produced to such minister or district registrar, and such minister or district registrar is not aware, or has no reasonable ground to believe that such party is under such age or that such consent is fictitious or not given by the appropriate person; and

(d.) Unless such marriage is celebrated after eight o'clock in the morning or before six o'clock in the evening.

(3.) And any minister who, except by special license as hereinbefore mentioned, celebrates or attempts to celebrate a marriage before publication of banns or posting of notice or giving of notice to the district registrar, and production to such minister of the certificates or certificate, as the case may be, that such notice has been duly given, as hereinbefore provided;

(4.) And any district registrar who celebrates or attempts to celebrate a marriage:

(a.) Before the declaration in the form contained in the Seventh Schedule to this Act is made in his presence by the parties to such marriage; or

(b.) Before the notice of such marriage prescribed by this Act has been given to him; or

(c.) Before the certificate or certificates, as the case may be, that such notice has been duly given is or are produced to him; or

(d.) In a form of words other than that prescribed by the Eighth Schedule to this Act; or

(e.) In any place other than the office of the district registrar wherein notice of such marriage has been posted as required by this Act;

(5.) And any district registrar who issues the certificate in the form contained in the Ninth Schedule to this Act—

(a.) Before the expiration of seven days from the giving of the notice therein mentioned; or

(b.) After proof that some lawful impediment exists why such certificate should not issue; or

(c.) After such issue has been forbidden in the manner prescribed by this Act by a person whose consent is required by this Act to the marriage in respect of which such certificate is issued,

shall be guilty of a misdemeanour and punishable by a fine not exceeding Five hundred pounds, or by imprisonment with or without hard labour for any term not exceeding five years, or by both such fine and imprisonment as the Court convicting such offender may award.

**22.** ANY minister of religion whose name, designation, religious denomination, and usual place of residence have not been and do not continue to be duly registered as a minister authorised to celebrate marriages by reason of accident or inadvertence, and who celebrates a marriage, shall be guilty of an offence against this Act, and summarily punishable, upon conviction before two or more Justices of the Peace, by a penalty not exceeding Twenty pounds.

Minister of Religion not registered by reason of inadvertence and celebrating marriage summarily punishable.

**23.** ANY minister or district registrar or other person failing in any way in the performance of their respective duties to comply with the provisions of this Act shall be guilty of an offence against this Act, and be summarily punishable, upon conviction before two or more Justices of the Peace, by a penalty not exceeding Fifty pounds and not less than Ten pounds.

Minister, District Registrar, or other person failing in performance of duty summarily punishable.

**24.** ANY person who wilfully makes any false statement upon oath or by solemn affirmation under this Act shall be deemed guilty of perjury, and liable to prosecution and punishable accordingly.

False statement upon oath or by affirmation under this Act to be deemed perjury.

Layman abetting an irregular marriage guilty of a misdemeanour.

**25. ANY person who—**

- (1.) Knowingly and wilfully marries a person under the age of twenty-one years, not being a widow or widower, without previously obtaining the consent required by this Act; or
- (2.) Induces or attempts to induce a minister or district registrar or other person to celebrate such marriage knowing the same to be contrary to law; or
- (3.) Aids or abets in the celebration of such marriage knowing the same to be contrary to law,

shall be guilty of a misdemeanour and punishable by a fine not exceeding Five hundred pounds or by imprisonment with or without hard labour for any term not exceeding five years, or by both such fine and imprisonment as the Court convicting such offender may award.

Forging parent or guardian's consent to minor's marriage or certificate of marriage to be felony.

**26. ANY person who—**

- (1.) Forges or assists in forging or procures to be forged, or with knowledge of such forgery utters or assists in uttering or causes to be uttered:
  - (a.) Any consent or writing purporting to be the consent required by this Act to the marriage of any person under the age of twenty-one years; or
  - (b.) Any notice or certificate of notice or certificate of marriage required by this Act, or any writing purporting to be such notice or certificate; or
  - (c.) Any special license authorised by this Act, or any writing purporting to be such special license; or
  - (d.) Any copy of any entry made in any register relating to any marriage, or any writing purporting to be such copy; or
- (2.) Signs or transmits to any district registrar or the Registrar General any certificate, special license, or register form required by law, or writing purporting to be such, containing to his knowledge any false statement therein,

shall be guilty of felony and punishable by imprisonment, with or without hard labour, for any term not exceeding five years.

**PART V.—MISCELLANEOUS.**

Every marriage celebrated after declaration made to be valid.

**27. EVERY** marriage celebrated by a minister or district registrar after the declaration upon oath or solemn affirmation by the parties to such marriage in the form contained in the First Schedule to this Act shall be a legal and valid marriage to all intents and purposes, and no other marriage, except as hereinafter provided, shall be valid for any purpose.

Marriage not to be vitiated by error in declaration.

**28. NO** marriage shall be deemed to have been unduly celebrated by reason only of any mere defect or error in such declaration if the identity of the parties to such marriage shall not be in question.

Marriage not to be avoided by reason of

**29. NO** marriage in fact shall be avoided by reason only of the same having been celebrated by a person not being a minister or

district registrar respectively, if either of the parties to such marriage at the time thereof *bonâ fide* believes that such person was a minister or district registrar respectively.

celebration by a person other than a minister or District Registrar.

**30.** NO marriage shall be avoided by reason of the omission of the minister celebrating the same to cause his name, designation, religious denomination, or usual place of residence to be registered according to law, or by reason of the same ceasing to be so registered, or by reason of the improper or defective appointment of the district registrar celebrating such marriage.

Marriage not to be avoided by reason of non-registration of minister or improper appointment of District Registrar.

**31.** A COPY of the marriage registry to be kept in the office of the Registrar General and under his hand of any marriage shall be deemed to be evidence in all proceedings, civil or criminal, of the fact that such marriage has been duly celebrated, until the contrary is shown.

Copy of Registry to be evidence of marriage.

**32.** NO marriage between any man and the sister of his deceased wife shall within Western Australia be voidable or in anywise impeachable upon the ground only of such affinity between the parties thereto, any law, usage, or custom to the contrary notwithstanding.

Marriage with deceased wife's sister to be valid.

**33.** NOTHING in this Act contained shall legalise any marriage declared or made invalid by any court of competent jurisdiction, nor any marriage either party to which at the time of the celebration thereof has another wife or husband living, nor any marriage other than a marriage between a widower and the sister of his deceased wife which would be void by reason of relationship, kindred, or alliance, nor any marriage which would be void by reason of fraud or incapacity to contract marriage.

Nothing in this Act to legalise certain marriages.

**34.** NOTHING in this Act previously contained shall extend to be construed to extend to any marriage between parties, both of whom are Quakers, or both of whom are Jews, if such marriage is celebrated according to the usages of the Quakers or Jews, as the case may be.

Marriages of Jews and Quakers.

**35.** EVERY such marriage celebrated according to the usages of the Quakers or Jews, as the case may be, shall be as legal and valid as any other marriage duly celebrated under this Act.

Such marriages to be valid.

**36.** (1.) THE particulars of every such marriage required to be registered by the law regulating the registration of marriages shall, within seven days from the celebration of the marriage, be given in writing by the person celebrating the same to the district registrar, who shall register such marriage in triplicate, and observe the same procedure and law in respect of such registration as is enacted in respect of the registration of any other marriage.

Such marriages to be registered like other marriages.

(2.) Any person celebrating such marriage and failing to give such particulars to the district registrar shall be subject to the like penalties and punishable in the same manner as a minister failing in the performance of his duties to comply with the provisions of the law regulating the registration of marriages.

Penalty.

**37.** WHENEVER under the provisions of this Act any person being illiterate or unable to write is required to sign any declaration, certificate, consent, statement, notice or other document, such person may express his assent thereto by making his mark in the presence of an attesting witness.

Mark may be made in lieu of signature to documents.

Incorporation of Shortening Ordinance.

32. SECTIONS A, E, F, G, and H of “The Shortening Ordinance, 1853,” shall be incorporated with and taken to form part of this Act to all intents and purposes, and in as full and ample a manner as if the said sections had been introduced and fully set forth in this Act.

In the name and on behalf of the Queen I hereby assent to this Act.  
ALEX. C. ONSLOW, Governor’s Deputy.

SCHEDULES.

Section 3.

First Schedule.

No. and Year of Act.	Title.
19 Vic. No. 11 ...	An Ordinance to amend and consolidate the Laws affecting the solemnisation of matrimony in the Colony of Western Australia.
41 Vic. No. 21 ...	An Act to legalise the marriage of a man with the sister of his deceased wife.
43 Vic. No. 28 ...	The Marriage Law Amendment Act, 1879.

Section 7.

Second Schedule.

Declaration before Minister or District Registrar.

(To be endorsed on Marriage Certificate to be transmitted to Registrar General.)  
I, A. B., of (usual place of residence and designation or employment) make oath and say (or if objecting to take an oath, “do solemnly and sincerely declare and affirm”) that I believe there is no impediment or lawful objection, by reason of any kindred, relationship, or alliance, or any former marriage, or the want of consent of parents or guardians, or any other lawful cause, to my being married to C. D., of (usual place of residence and occupation (if any)), daughter of E. F., of (usual place of residence and occupation).

Signature of A. B.  
Sworn (or solemnly declared and affirmed) by the }  
said A. B. this day of  
18 . }  
Before me  
(Signature of Minister or District Registrar).

And I, the said C. D., make oath and say (or, “do solemnly and sincerely declare and affirm”) that I believe that there is no impediment or lawful objection, by any such reason or other lawful cause as aforesaid, to my being married to the said A.B.

Signature of C. D.  
Sworn (or solemnly declared and affirmed) by the }  
said C. D. this day of  
18 . }  
Before me  
(Signature of Minister or District Registrar).

Section 9.

Third Schedule.

Form of Consent of Father, Mother, or Guardian to Marriage of Minors.

I (name of father, mother or guardian) of (residence and occupation) as (father, mother or guardian) do hereby give my consent to the marriage of my (son, daughter or ward, with name in full, residence and occupation) aged (state age) to (name in full of intended bride or bridegroom) of (residence and occupation, if any).  
Dated this day of 18 .  
Signature of Father, Mother, or Guardian.

Form of Consent of Justice of the Peace to Marriage of Minor.

I (name in full and residence), being a Justice of the Peace for the Colony of Western Australia, acting herein under Section 11 of "The Marriage Act, 1894," for the reasons hereon endorsed, do give my consent to the marriage of (name at full length, residence and occupation, if any), aged (state age) to (name of intended bride or bridegroom in full, residence and occupation, if any) and I do certify that previous to giving such consent I have made due inquiry into the facts and circumstances of the case and am satisfied that no valid objection to such marriage exists.

Dated this

day of

18

Signature of Justice of the Peace.

Fourth Schedule.

Form of Indorsement of Consent to Marriage of Minor upon a  
Certificate of Marriage.

Section 10.

I certify that the consent of (name in full, residence and occupation) the (father, mother or guardian) of (name in full, residence and occupation, if any) a minor, or of (name in full of ..... ) a Justice of the Peace was given to the marriage between the parties named in this certificate.

Signature of Minister or District Registrar.

Fifth Schedule.

Notice of Marriage.

Section 12.

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

Name.	Condition.	Age over or under 21.	Dwelling place.	District wherein party resides.
Intended Husband				
Intended Wife				

Witness my hand this

day of

18

(Signed)

Sixth Schedule.

Notice of Marriage.

Sections 12, 13, and 16.

To the District Registrar of the Registry District of in the Colony of Western Australia.

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

Name.	Condition.	Rank or profession or Occupation.	Age over or under 21.	Residence.	State length of residence. If over 7 days insert more than one week.
Intended husband.					
Intended wife.					

Witness my hand this

day of

18

(Signature of party giving notice.)

Seventh Schedule.

Form of Declaration to authorise Marriage before a District Registrar.

Section 13.

We, A.B., of (usual place of residence and occupation) and C.D. of (usual place of residence and occupation) do hereby declare that we are desirous of being married, but that we object to be married by a Minister of Religion (or, but that there is no Minister of Religion accessible for the purpose of celebrating our marriage.)

Signed by the parties this

day of

18

Signature of intended husband  
Signature of intended wife

Before me

District Registrar.

Section 15.

Eighth Schedule.

Form of Marriage before a District Registrar.

I, A.B., of (usual place of residence and occupation) do hereby declare in the presence of C.D., Registrar of Marriages for the district of that I take E.F. of (usual place and occupation) to be my lawful wife; and I, the said E.F., do declare that I take the said A.B. to be my lawful husband.

Signatures }  
of parties. }

Section 17.

Ninth Schedule.

District Registrar's Certificate.

I, , District Registrar for the Registry District of in the Colony of Western Australia, do hereby certify that on the day of 18 notice was duly entered in the Marriage Notice Book of the said District of the marriage intended between the parties therein named and described, that is to say :—

Name.	Condition.	Rank or Profession or Occupation.	Age over or under 21.	Residence.	State length of residence. If over 7 days insert more than one week.

Date of notice received, entered, and posted up 18 .  
Date of Certificate given 18 .  
The issue of this Certificate has not been forbidden by any person authorised to forbid the issue thereof.  
Dated this day of 18 .  
District Registrar.

NOTE.—This Certificate will be void unless the marriage is celebrated within three months from the receipt of the above notice.

Section 20.

Tenth Schedule.

License 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, 1894," and are desirous that the same may be speedily celebrated: And whereas you have respectively signed the declaration required by the said Act to be signed previous to marriage, and have satisfied me that you, the said A.B. and C.D., have had your usual place of abode within the district of (or districts of and respectively), and that there exists good reason for the speedy celebration of your marriage, and that the circumstances of the case will not admit of a compliance with the provisions of the said Act as to the publication of banns or the posting or giving of notice of the marriage. I do, therefore, hereby grant unto you full license, according to the authority given to me by the said Act, to proceed to the celebration of your marriage, provided that the same be celebrated within one month from the date hereof.

Given under my hand this day of , 189 .  
(Signature.)

NOTE.—This License must be transmitted by a Minister celebrating a Marriage by virtue thereof to the District Registrar, with the register form of marriage.