

ACT No. V. OF 1852.

*Passed by the Hon'ble the President of the Council of India
in Council, on the 16th January 1852, with the assent
of the Most Noble the Governor General of India.*

*An Act for giving effect to the provisions of an Act of Parliament,
passed in the 15th year of the reign of Her present Majesty,
entituled "An Act for Marriages in India."*

WHEREAS by an Act passed in the Session of Parliament holden in the Fourteenth and Fifteenth years of the reign of Her present Majesty, entituled, "An Act for Marriages in India," it was enacted (among other things) that it should be lawful for the Governor General of India in Council from time to time, by laws and Regulations, (not inconsistent with the provisions of the said Act of Parliament,) to be made in the manner, and subject to the Provisions by law required in respect of laws and Regulations made by the said Governor General of India in Council, to provide for the inspection and publication of Notices of Marriage given under the said Act of Parliament, for the Custody and Protection from Injury of Marriage Register Books, for appeals from and references in case of doubt by the Marriage Registrars in relation to Marriages forbidden or Protests entered under the said Act of Parliament, for fixing the hours between which Marriages might be solemnized under the said Act of Parliament, for appointing the Officers to whom Certificates were

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to be transmitted by the Marriage Registrars, and generally for giving effect to the provisions of the said Act of Parliament, It is hereby enacted as follows :

I. In every case of Marriage intended to be solemnized in India, after the first day of February next, under the provisions of the said Act of Parliament, one of the parties shall give Form of Notice and length of Residence necessary. Notice in writing, in the form of Schedule (A.) to this Act annexed, or to the like effect, to any Marriage Registrar of the District within which the parties shall have dwelt for not less than five days, then next preceding, or, if the parties dwell in different Districts, shall give the like Notice to a Marriage Registrar of each District, and shall state therein the name, and surname, and the profession, or condition of each of the parties intending Marriage, the dwelling-place of each of them, and the time, not being less than five days, during which each has dwelt therein, and the Church, Chapel, or other building in which the Marriage is to be solemnized ; provided that if either party shall have dwelt in the place stated in the Notice during more than one Calendar month, it may be stated therein that he or she hath dwelt there one month and upwards.

II. The Marriage Registrar shall file all such Notices, and keep Inspection of Notices. them with the Records of his Office, and shall also forthwith enter a true copy of all such Notices fairly into a book, to be for that purpose furnished to him by the Government, to be called the "Marriage Notice Book," and the Marriage Notice Book shall be open, at all reasonable times, without Fee, to all persons desirous of inspecting the same.

III. The Marriage Registrars, or Registrar of all Districts in the Publication of Notices. British Territories in India, shall respectively publish all such Notices of Marriage given in their respective Districts
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by causing a copy of such Notices to be affixed in some conspicuous place in their respective offices, or, where such Registrars are Ministers of the Christian Religion, ordained or otherwise set apart to the Ministry of the Christian Religion, such Notices shall be affixed in some conspicuous place in the Church or Chapel or place of worship in which such Ministers respectively officiate. When one of the parties intending Marriage (not being a widow or widower) is under twenty-one years of age, every Marriage Registrar shall, within twenty-four hours after the receipt by him of the Notice of such Marriage, send, or cause to be sent, by the Post or otherwise, a copy of such Notice to all the other Marriage Registrars (if any) in the same District, who shall likewise affix the same in some conspicuous place in their own offices or Chapels as aforesaid.

IV. Where by the oath or declaration required by the sixth Section of the said Act of Parliament, it appears that one of the parties intending Marriage (not being a widow or widower,) is under twenty-one years of age, the Marriage Registrar shall not issue his Certificate under the provisions of the second Section of the said Act of Parliament until the expiration of fourteen days after the entry of such Notice of Marriage.

V. When one of the parties intending Marriage (not being a widow or widower) is under twenty-one years of age, and both parties intending Marriage are at the time resident in any of the Towns of Calcutta, Madras, or Bombay, and are desirous of being married in less than fourteen days after the entry of such Notice as aforesaid, it shall be competent for both parties intending Marriage to apply by petition to the Supreme Court of such Town, or any Judge thereof, for an order upon the Marriage Registrar to whom the Notice of Marriage has been given, directing him to issue

Suspension of Certificate in the case of Minors.

Supreme Court may order Registrar to issue his Certificate in less than fourteen days.

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issue his Certificate at some time before the expiration of the said fourteen days required by Section IV. of this Act. And it shall be competent to the said Supreme Court, or any Judge thereof, on sufficient cause being shown, in their or his discretion, to make an order upon such Marriage Registrar, directing him to issue his Certificate, at any time to be mentioned in the said order, before the expiration of the said fourteen days required by Section IV.; and the said Marriage Registrar, on receipt of the said order, shall proceed to issue his Certificate in accordance therewith.

VI. The Certificate to be issued by the Marriage Registrar, under the provisions of the second Section of the said Act of Parliament, may be in the form of Schedule B. to this Act annexed, or to the like effect, and the Government of each Presidency or Place shall furnish to every Marriage Registrar, a sufficient number of Forms of Certificate.

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

VIII. Any person authorized in that behalf may forbid the issue of the Marriage Registrar's Certificate, by writing, at any time before the issue of such Certificate, the word "forbidden" opposite to the Entry of the Notice of such intended Marriage

How issue of Certificate may be forbidden.

Form of Certificate.

Notice and Certificate to be translated to Native Christians.

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Marriage in the Marriage Notice Book, and by subscribing thereto his or her name and place of abode, and his or her character, in respect of either of the parties, by reason of which he or she is so authorized, and the said word "forbidden," so written and subscribed as aforesaid, shall be deemed a protest, within the meaning of the seventh Section of the said Act of Parliament.

IX. In all cases where a Marriage Registrar, acting under the provisions of the fourth Section of the said Act of Parliament, shall not be satisfied that the person forbidding the issue of the Certificate is authorized by law so to do, the said Marriage Registrar shall apply by petition, which may in all cases be on unstamped paper, where the district of such Registrar is within any of the Towns of Calcutta, Madras, and Bombay, to the Supreme Court of Judicature in the Presidency or place within which such district is comprised, or if such district be not within any of the said Towns, then to the Judge of the Zillah or District within which the same is comprised, and the said petition shall state all the circumstances of the case, and pray for the order and direction of the Court concerning the same, and the said Supreme Court, or any Judge thereof, or such Judge of the Zillah or District, shall be empowered to examine into the allegations of the Petition and the circumstances of the case in a summary way, and if upon such examination it shall appear that the person forbidding the issue of such Certificate is not authorized by law so to do, such Supreme Court, or any Judge thereof, or such Judge of the Zillah or District, shall declare that the person forbidding the issue of such Certificate is not authorized as aforesaid, and that then and in such case such Certificate shall be issued, and the like Proceedings may be had under the said Act of Parliament in relation to such Marriage as if the issue of such Certificate had not been forbidden by such person. And in all cases where a Marriage Registrar, appointed to act within the Territories of any Native Prince or State in

alliance

References by the
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alliance with the East India Company acting under the provisions of the sixth Section of the said Act of Parliament, shall not be satisfied that the person forbidding the issue of the Certificate is not authorized by law so to do, the said Marriage Registrar shall transmit a statement of all the circumstances of the case, together with all documents and papers relating thereto, to the Governor General of India in Council, and if it shall appear to the said Governor General of India in Council that the person forbidding the issue of such Certificate is not authorized by law so to do, the said Governor General of India in Council shall declare that the party forbidding the issue of such Certificate is not authorized as aforesaid, and that then and in such case such Certificate shall be issued, and the like Proceedings may be had under the said Act of Parliament in relation to such Marriage, as if the issue of such Certificate had not been forbidden by such person.

X. In all cases whatsoever where a Marriage Registrar resident in the Territories of any Native Prince or State in alliance with the East India Company has refused to issue his Certificate, it shall be lawful for either of the parties intending Marriage to apply by Petition to the Governor General of India in Council, and the said Governor General of India in Council shall be empowered to examine the allegations of the Petition in a summary way, and shall decide thereon, and the decision of the said Governor General of India in Council shall be final, and the Marriage Registrar, to whom the application was originally made, shall proceed in accordance therewith.

XI. Every Marriage solemnized under the provisions of the said Act of Parliament shall be so solemnized between the hours of six in the morning and seven in evening.

XII. When

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XII. When any Native Christian is married under the provisions of the said Act of Parliament, the party solemnizing the said Marriage shall ascertain whether such Native Christian understands the English language, and if he does not, the party solemnizing the said Marriage shall, at the time of the solemnization thereof, translate, or cause to be translated, to such Native Christian, in the language of such Native Christian, both the declarations made at such Marriage in pursuance of Section IX. of the said Act of Parliament.

Declarations made at the Marriage to be translated to Native Christians.

XIII. After any Marriage has been solemnized under the said Act of Parliament, it shall not be necessary, in support of such Marriage, to give any proof in respect of the Notice of Marriage, or the Certificate, or the translation thereof respectively, or in respect of the hours between which any Marriage may be solemnized, or in respect to the said translations of the said declarations in Section IX. of the said Act of Parliament contained, nor shall any evidence be given to prove the contrary, in any suit touching the validity of such Marriage.

Proof as to Notice, Certificate or Hours of Marriage, &c., not necessary to establish Marriage.

XIV. Every Marriage 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 who shall knowingly and wilfully issue, without the order of a competent Court authorizing him so to do, any Certificate for Marriage where one of the parties intending Marriage (not being a widower or widow) is under twenty-one years of age before the expiration of fourteen days after the entry of such Notice, or any Certificate the issue of which shall have been forbidden as aforesaid by any person authorized to forbid the issue thereof, shall be guilty of felony. And every person who shall knowingly and wilfully solemnize any Marriage

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riage under the provisions of the said Act of Parliament in the absence of a Registrar of the District in which such Marriage is solemnized, or who shall knowingly and wilfully solemnize any Marriage where one of the parties to such Marriage (not being a widower or widow) is under twenty-one years of age within fourteen days after the entry of the Notice of Marriage, no order for the issue of a Certificate in less than fourteen days having been made by a competent Court, shall be guilty of felony.

XV. The Marriage Registrars in the Territories of any Native Prince or State in alliance with the East India Company, shall transmit the Certificates mentioned and referred to in the twelfth Section of the said Act of Parliament to the Secretary for the Foreign Department of the Government of India.

XVI. Every person who shall knowingly and wilfully make any false oath or declaration, or sign any false Notice or Certificate, required by the said Act of Parliament or this Act, for the purpose of procuring any Marriage, and every person who shall forbid the issue of a Marriage 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, on conviction, suffer the penalties of Perjury.

XVII. Every prosecution under this Act shall be commenced within the space of two years after the offence committed.

XVIII. The Governor General of India in Council may appoint any Covenanted or Uncovenanted Servant of the Company, being a Christian, or any Minister of the Christian religion, ordained, or otherwise set apart to the Ministry of the Christian

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Christian religion, according to the usage of the persuasion to which he may belong, to be a Marriage Registrar in any District, to be assigned by the Governor General of India in Council in any place within the Territories of any Native Prince or State in alliance with the East India Company. And the said Marriage Registrar shall be entitled to receive the following fees; that is to say, for receiving each Notice of Marriage, one rupee, for publishing each Notice of Marriage, two rupees, for the issuing of each Certificate, five rupees, for every Marriage forbidden or Protest entered, ten rupees, and for registering each Marriage, three rupees, and all such fees shall be accounted for and paid over by the Marriage Registrar to the Government Treasury as in the said Act of Parliament mentioned. Provided always, that in any case in which it shall appear to the satisfaction of the Marriage Registrar, that the parties intending Marriage, or married, under the provisions of the said Act of Parliament, are in indigent circumstances, it shall and may be lawful for the said Marriage Registrar, in his discretion, to remit some part, but not more than three-fourths, of the said fees respectively, and in each and every such case of remission of fees, the Marriage Registrar shall report the circumstances thereof, and the grounds on which the remission is made, for the information of the Governor General of India in Council.

XIX. It shall be lawful for the Government of each Presidency or Place to pay any one Marriage Registrar of Calcutta, Madras and Bombay, or of any other District where a considerable number of persons likely to avail themselves of this Act are resident, such salary as they shall think fit, not exceeding the sum of Co.'s Rs. fifty per month.

Salaries of Registrars.

XX. When there is only one Marriage Registrar in a District, and such Registrar is absent from such District, or ill, or in case of the death of the only Marriage Registrar in a District, or

Provision in case of illness, &c., of Marriage Registrar.

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of any temporary vacancy in such office, the Magistrate of such District shall act as, and be, Marriage Registrar thereof, during such absence, illness, or temporary vacancy as aforesaid.

XXI. Every Marriage Registrar, or other person who shall have the custody for the time being of the Register of Marriages under this Act, shall at all reasonable times allow searches to be made of any Register Book in his custody, and shall give a copy, certified under his hand, of any entry or entries in the same, on the payment of the fees hereinafter mentioned, (that is to say,) for every search extending over a period of not more than one year, the sum of one rupee, and four annas additional for every additional year, and the sum of one rupee for every single Certificate, and all such fees shall be accounted for and paid over by the Marriage Registrar to the Government Treasury.

XXII. Every person who shall wilfully destroy or injure, or cause to be destroyed or injured, any such Register Book, or the counterfoil Certificates thereof, or any part or certified copy thereof, or shall falsely make or counterfeit, or cause to be falsely made or counterfeited, any part of such Register Book, or of such counterfoil Certificates, or of certified copies thereof, or shall wilfully insert or cause to be inserted, in any Register Book, or counterfoil copy or certified copy thereof, any false entry of any Marriage, or shall wilfully give any false Certificate, or shall certify any writing to be a copy or extract of any Register Book, or counterfoil copy thereof, knowing the same Register Book or counterfoil copy to be false in any part thereof, shall be guilty of felony.

XXIII. Any 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, may, within

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one calendar month next after the discovery of such error, in the presence of the parties married, or, in case of their death or absence, in the presence of two other credible witnesses, who shall respectively attest the same, correct the erroneous entry according to the truth of the case, by entry in the margin without any alteration of the original entry, and shall sign the marginal entry, and add thereunto the day of the month and year when such correction shall be made, and he shall make the like marginal entry, attested in the like manner, in the counterfoil Certificate thereof, to be made by him as in the said Act of Parliament mentioned, and in case such counterfoil Certificate shall have been already transmitted to the Secretary of Government of the Presidency or Place within which he resides, he shall make and transmit in like manner a separate counterfoil Certificate of the original erroneous entry, and of the marginal correction therein made.

XXIV. Nothing in this Act contained shall be construed to extend to the Registration of Marriages which may be solemnized in India by persons in Holy Orders, or under the provisions of the Act of the 58th year of King George the Third, Chapter 84, or to the Registration of any Marriage solemnized between any two persons professing the Jewish religion, and nothing herein contained, shall affect the right of any Officiating Minister to receive the fees now usually paid for the performance or registration of any Marriage.

XXV. All petitions presented in pursuance of Section V. of the said Act of Parliament, may be so presented on unstamped paper.

XXVI. This Act shall commence and take effect from and after the first day of February 1852.

SCHEDULE (A.)

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SCHEDULE (A.)

NOTICE OF MARRIAGE.

To Mr. John Cox, a Registrar of the District of Calcutta in Bengal.

I hereby give you Notice, that a Marriage is intended to be had, within three Calendar Months from the date hereof, between me and the other party herein named and described.

Name.	Condition.	Rank or Profession.	Age.	Dwelling Place.	Length of Residence.	Church, Chapel, place of worship, or building in which Marriage is to be solemnized.	District in which the other Party resides when the Parties dwell in different Districts.
James Smith,...	Widower,	Carpenter,	Of Full Age,.....	16, Clive Street, ...	23 Days,...	Union Chapel, Dhurruntollah.	
Martha Green,	Spinster,...	Minor,...	20 Hastings' Street, ...	More than a Month,...		

Witness my Hand this Sixth Day of May, One Thousand Eight Hundred and Fifty-two.

(Signed) James Smith.

(The *Italics* in this Schedule to be filled up as the case may be, and the blank division thereof is only to be filled up when one of the Parties lives in another District.)

SCHEDULE (B.)

REGISTRAR'S CERTIFICATE.

I, John Cox, a Registrar of the District of Calcutta in Bengal, do hereby Certify, that on the 6th day of May, Notice was duly entered in my Marriage Notice Book of the said District of the Marriage intended between the parties therein named and described, delivered under the Hand of James Smith one of the Parties, (that is to say,)

Name.	Condition.	Rank or Profession.	Age.	Dwelling Place.	Length of Residence.	Church, Chapel, place of worship, or building in which the Marriage is to be solemnized.	District in which the other Party dwells when the Parties dwell in different Districts.
James Smith, ...	Widower,	Carpenter,	Of Full Age,.....	16, Clive Street, ...	23 Days,...	Union Chapel, Dhurruntollah.	
Martha Green,	Spinster,...	Minor,	20 Hastings' Street,...	More than a Month,		

Date of Notice entered 6th May 1852.

Date of Certificate given 20th May 1852.

} The Issue of this Certificate has not been forbidden by any Person authorized to forbid the issue thereof.

Witness my Hand this Twentieth Day of May, One Thousand Eight Hundred and Fifty-two.

(Signed) John Cox, Registrar.

This Certificate will be void unless the Marriage is solemnized on or before the 6th day of August 1852.

(The *Italics* in this Schedule to be filled up as the case may be, and the blank division thereof is only to be filled up when one of the Parties lives in another District.)