

MARRIAGE.

ARRANGEMENT OF SECTIONS.

PART I.

As to the persons by whom Marriage may be solemnized.

SECTION.

1. Marriage between persons professing the Christian Religion to be solemnized according to the provisions of this Act.
2. By whom to be solemnized.
3. Declaration and certificate no longer required.
4. Licenses to solemnize marriage by whom to be granted.
5. Marriages solemnized otherwise than according to this Act to be void.
6. Marriages already solemnized by certain persons to be deemed valid.

PART II.

As to the mode of solemnizing Marriages under this Act.

7. Notice of intended marriage to whom to be given.
Form of notice.
Proviso.
8. Publication of such notice.
9. Notice of intended marriage in private dwelling.
10. Notice when one of the parties intending marriage is under twenty-one years of age.
11. Publication of such notice.
12. Appointment of Senior Marriage Registrar.
13. Issue of certificate of notice given and declaration made.
Proviso.
14. Certificate in certain cases not to issue until fourteen days after receipt of notice

SECTION.

15. Declaration to be made before issue of certificate.
16. Consent of parent or guardian when necessary.
17. What persons may prohibit issue of certificate by notice.
18. Minister how to proceed on receipt of such notice, &c.
19. Proceedings before issue of certificate in the case of Native Christians.
20. Form of certificate.
21. After issue of certificate, marriage may be solemnized.
22. Certificate to be void if marriage be not solemnized within two months.
23. Proof of marriage in accordance with the provisions of part I of this Act.

PART III.

Time for solemnizing Marriages.

24. Hours between which marriages to be solemnized.
Proviso.

PART IV.

As to the Registration of Marriages in India.

25. Marriages with certain exceptions to be registered as hereinafter prescribed.
Proviso.
26. Registration of marriages solemnized by Clergymen of the Church of England.
27. Quarterly returns to Archdeaconry.
28. Registration and returns of marriages by Clergymen of the Church of Scotland.
29. Marriages solemnized by certain persons to be entered in a Register Book and also in a certificate.
30. Such entries to be signed and attested.
31. Such certificate to be forwarded to Marriage Registrar, copied, and transmitted to Government.
32. Copies of certificates how to be entered and numbered.

SECTION.

33. Registrar to add number of entry of copy to the certificate, &c.
34. Custody and disposal of Register Book of marriages solemnized under Part V of this Act.
35. Transmission of certificates of certain marriages to Secretary of State for India.
36. Correction of errors.
37. Searches may be made and copies of certificates given.
38. Appropriation of fees.
39. Certified copy of entry in Marriage Register, &c., to be received as evidence of marriage without further proof.
40. These provisions not to apply to Registers or certificates of certain marriages solemnized by Marriage Registrars.

PART V.

As to the Marriage of certain Native Christians.

41. Provision for marriages of certain Native Christians.
42. No notice necessary before marriage, but certificate of marriage may be given. Conditions.
43. On marriage (the conditions having been fulfilled), licensed person to grant a certificate thereof.
44. Licenses may be revoked.
45. Grant or revocation of license how to be notified.
46. Marriages performed under the provisions of Section XLII to be valid.
47. Register Book to be kept.
48. Searches to be allowed in the Register Book.

PART VI.

As to Penalties.

49. Punishment for false oath, declaration, notice, or certificate, for procuring marriage.
50. Punishment for forbidding the issue by a Marriage Registrar of a certificate by false representation.

SECTION.

51. Punishment for a person, not duly authorized, solemnizing a marriage.
52. Punishment for solemnizing a marriage otherwise than between certain hours, &c.
53. Punishment for solemnizing marriage when either party is under age within a certain time after notice.
54. Punishment for Registrars issuing certificates, or solemnizing marriages, without publication of notice, &c.
55. Punishment for persons authorized under this Act, but not being Clergymen of the Church of England or of the Church of Scotland, solemnizing marriages without publication of notices, &c.
56. Punishment on unlicensed person pretending to grant certificate of marriage under Part V.
57. Punishment for making false entries.
58. Jurisdiction to punish offences punishable under this Act.
59. Code of Criminal Procedure applicable to investigations and committals under this Act.
60. Meaning of "Church of England."
And of "Church of Scotland."
61. Operation of Act.

ACT No. XXV OF 1864.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor-General on the 9th April 1864).

An Act to provide further for the solemnization of Marriages in India of persons professing the Christian Religion.

WHEREAS it is expedient to provide further for the solemnization of marriages in India of persons professing the Christian Religion; It is enacted as follows:—

Preamble.

PART I.

As to the persons by whom Marriage may be solemnized.

I. From and after the first day of July 1864 no marriage between persons, one of whom is a person, or both of whom are persons, professing the Christian Religion, shall be solemnized, except in accordance with the provisions hereafter stated in this Act.

Marriage between persons professing the Christian Religion to be solemnized according to the provisions of this Act.

By whom to be solemnized.

II. Marriages may be solemnized in India—

1st.—By any person who has received episcopal ordination, provided that the marriage be solemnized according to the rules, rites, ceremonies, and customs, of the Church of which such person is a Minister.

2nd.—By any Clergyman of the Church of Scotland, provided that such marriage be solemnized according to the rules, rites, ceremonies, and customs, of the Church of Scotland.

3rd.—By, or in the presence of, a Marriage Registrar under the provisions of the Statute 14 and 15 Vic., cap. 40, or of Act V of 1852 (*for giving effect to the provisions of an Act of Parliament passed in the 15th year of the reign of Her present Majesty entitled an Act for marriages in India*) of the Governor-General of India in Council.

4th.—By

ACT No. XXV of 1864.

4th.—By any Minister of Religion, who, under the provisions of this Act, has obtained a license to solemnize marriages.

5th.—By any person who, with respect to marriages between Native Christians, shall have received under the provisions of Part V of this Act, a license to grant certificates of marriage.

III. From and after the first day of July 1864, the declaration and certificate required by the Statute 58, Geo. III, cap. 84, and Act XXIV of 1860 (*for the solemnization of Marriages in India by ordained Ministers of the Church of Scotland*) of the Governor-General of India in Council, shall be no longer required.

IV. From and after the first day of July 1864 the Governor-General of India in Council, the Governors of Madras and Bombay in Council, and the Lieutenant-Governors of Bengal, the North-Western Provinces, and the Punjab, shall have authority to grant licenses to Ministers of Religion, to solemnize marriages within the territories subject to such Governor-General, Governors, and Lieutenant-Governors respectively.

V.—From and after the first day of July 1864, all marriages solemnized in India otherwise than in accordance with the provisions of Sections I and II of this Act, shall be null and void.

VI. All marriages solemnized in India before the first day of July 1864 by persons who have not received episcopal ordination, or who have not otherwise received express authority to solemnize such marriages under Acts of Parliament or Acts of the Governor-General of India in Council, if not otherwise invalid, shall be deemed valid to all intents and purposes.

PART II.

As to the mode of solemnizing Marriages under this Act.

VII. In every case of intended marriage between persons, one or both of whom shall be a person or persons professing the Christian Religion, otherwise than—

1st.—Under the provisions of the Statute 14 and 15 Vic., cap. 40, or of the said Act V of 1852 of the Governor-General of India in Council: or

2nd.—By

ACT No. XXV of 1864.

2nd.—By a Clergyman of the Church of England according to the rites, rules, ceremonies, and customs, of that Church : or

3rd.—By a Clergyman of the Church of Scotland according to the rites, rules, ceremonies, and customs, of that Church : or

4th.—By a person who has received a license to grant certificates of marriage between Native Christians under the provisions of part V of this Act—

One of the parties shall give notice in writing according to the form prescribed by the Schedule (A) to this Act annexed or to the like effect, to the Minister of Religion whom he shall desire to solemnize the said marriage, and shall state therein the name or names, 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 four days) during which each has dwelt there, and the Church, Chapel, or other place of, or generally used for, public worship, or the private dwelling 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 has dwelt there one month and upwards. Provided also that at any place or Station where there is a Church or Chapel, or other building generally used for public worship, no Clergyman of the Church of England shall solemnize a marriage in a private dwelling or in any place except in such Church or Chapel, or other building generally used for public worship, unless he has received a special license authorizing him to do so from and under the hand and seal of the Bishop of the Diocese, or from the Commissary of such Bishop. For such special licence the Registrar of the Diocese shall be entitled to charge such additional fee as the Bishop of the Diocese may sanction.

VIII. The Minister of Religion to whom such notice shall have been delivered, if he shall be entitled to officiate in the Church, Chapel, or place of, or generally used for, public worship in which it is intended to solemnize the said marriage, shall publish every notice of marriage received by him, by causing the same to be published and affixed in some conspicuous part of the said Church, Chapel, or place of, or generally used for, public worship in which it is intended that the said marriage shall be solemnized. If such Minister of Religion shall not be entitled to officiate as a Minister in such Church, Chapel, or place of,

or

ACT No. XXV OF 1864.

or generally used for, public worship, he shall at his option either return the said notice to the person delivering the same to him, or shall deliver the same to some other Minister entitled to officiate in such place of worship, who shall thereupon cause the same to be so published and affixed in the said Church, Chapel, or place of, or generally used for, public worship.

IX. If it be intended that the marriage shall be solemnized not in a Church, Chapel, or other place of, or generally used for, public worship, but in a private dwelling, the Minister of Religion receiving the notice prescribed in Section VII shall forward it to the Marriage Registrar of the District who shall affix the same to some conspicuous place in his own Office.

X. When one of the parties intending marriage (not being a widow or widower) is under twenty-one years of age, every Minister as aforesaid who shall receive such notice, and who shall not forthwith return such notice to the party delivering the same under Section VIII shall, within twenty-four hours after the receipt by him thereof, send or cause to be sent by the Post, or otherwise, a copy of such notice to the Marriage Registrar of the District.

XI. The Marriage Registrar of the District on receiving any such notice shall affix the same to some conspicuous place in his own Office.

XII. If there be more Marriage Registrars than one in any District, the local Government shall appoint one of such Registrars to be Senior Marriage Registrar, and such notice as aforesaid shall be sent to such senior Marriage Registrar, who on receiving the same, shall, besides affixing it in the manner laid down in the last preceding Section, send or cause to be sent a copy of such notice to all the other Marriage Registrars in the same District, who shall likewise affix the same in their own Offices or Churches, Chapels, or places of worship as aforesaid.

XIII. Any Minister of Religion who shall consent or intend to solemnize any such marriage as aforesaid, on being required so to do by or on behalf of the party by whom the notice was given, and upon one of the parties intending marriage making

ACT No. XXV OF 1864.

making such declaration as is hereinafter required, shall issue under his hand a certificate of such notice having been given and of such declaration having been made. Provided no lawful impediment according to the law of England be shown to the satisfaction of such Minister why such certificate should not issue, and the issue of such certificate shall not have been sooner forbidden in the manner hereinafter mentioned, by any person authorized in that behalf.

Proviso.

XIV. When by such declaration it appears, or when it is otherwise known to such Minister of Religion, that one of the the parties intending marriage, not being a widower or widow, is under twenty-one years of age, such Minister shall not issue such certificate until the expiration of fourteen days after the receipt by him of such notice of marriage.

Certificate in certain cases not to issue until fourteen days after receipt of notice.

XV. Before any such certificate as aforesaid shall be issued by any such Minister, one of the parties intending marriage shall appear personally before such Minister, and shall make a solemn declaration that he or she believes that there is not any impediment of kindred or affinity or other lawful hindrance to the said marriage, and when either or each of the parties, not being a widower or widow, is under the age of twenty-one years, that the consent of the person whose consent to such marriage is required by law has been obtained thereto, or that there is no person resident in India having authority to give such consent, as the case may be.

Declaration to be made before issue of certificate.

XVI. The father, if living, of any party under twenty-one years of age, such party not being a widower or widow, or if the father be dead the guardian or guardians of the person of the party so under age lawfully appointed, or one of them, and in case there be no such guardian then the mother of such party, shall have authority to give consent to the marriage of such party, and such consent is hereby required for the marriage of such party so under age, unless there be no person authorized to give such consent resident in India.

Consent of parent or guardian when necessary.

XVII. Every person whose consent to a marriage is required as aforesaid, is hereby authorized to prohibit the issue of the certificate by any Minister as aforesaid, at any time before the issue of such certificate, by notice in writing to such Minister, subscribed

What persons may prohibit issue of certificate by notice.

ACT No. XXV of 1864.

subscribed by the person authorized as aforesaid, with his 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.

XVIII. If any such notice prohibiting the marriage shall be received by such Minister as aforesaid, he shall not issue his certificate, and shall not solemnize the said marriage until he shall have examined into the matter of the said prohibition, and shall be satisfied that the person prohibiting the said marriage is not authorized by law so to do, or until the notice of the said prohibition be withdrawn by the person who gave the same.

Minister how to proceed on receipt of such notice, &c.

XIX. When any Native Christian about to be married takes a notice of marriage to a Minister of Religion, or applies for a certificate from such Minister, such Minister shall, before issuing such certificate, ascertain whether such Native Christian is cognizant of the purport and effect of the said notice or certificate, and if not, shall translate or cause to be translated the said notice or certificate to such Native Christian in the language of such Native Christian, or in some language which he understands.

Proceedings before issue of certificate in the case of Native Christians.

XX. The certificate to be issued by such Minister as aforesaid, may be in the form prescribed by the Schedule (B) to this Act annexed, or to the like effect.

Form of certificate.

XXI. After the issue of the certificate by such Minister of Religion, marriage may be solemnized between and by the parties therein described according to such form or ceremony as such Minister shall see fit to adopt. Provided that it be solemnized in the presence of at least two witnesses.

After issue of certificate, marriage may be solemnized.

XXII. Whenever a marriage is not solemnized within two calendar months after the date of the certificate which shall have been issued by such Minister as aforesaid, such certificate and all other proceedings thereon shall be void, and no person shall proceed to solemnize the said marriage until new notice shall have been given and certificate thereof issued in the manner aforesaid.

Certificate to be void if marriage be not solemnized within two months.

XXIII. Provided

ACT No. XXV OF 1864.

XXIII. Provided that whenever any marriage has been solemnized by a Minister of Religion in accordance with the provisions of Part I of this Act, it shall not be necessary in support of such marriage to give any proof in respect of the dwelling of the parties, or of the consent of any person whose consent is thereunto required by law, or of the notice of marriage, or of the certificate or the translation thereof respectively, or in respect of the hours between which the same may have been solemnized; nor shall any evidence be given to prove the contrary in any suit touching the validity of such marriage.

Proof of marriage in accordance with the provisions of Part I of this Act.

PART III.

Time for solemnizing Marriages.

XXIV. Every marriage solemnized in India from and after the first day of July 1864, by any person who has received episcopal ordination, or by any Clergyman of the Church of Scotland, or by any Minister licensed under this Act to solemnize marriages, shall be solemnized between the hours of six in the morning and seven in the evening. But the provisions of this Section shall not apply to a Clergyman solemnizing a marriage under a special license permitting him to do so at any hour other than between six in the morning and seven in the evening, from and under the hand and seal of the Bishop of the Diocese or from his Commissary. For such special license the Registrar of the Diocese shall be entitled to charge such additional fee as the Bishop of the Diocese may sanction.

Hours between which marriages to be solemnized.

Proviso.

PART IV.

As to the Registration of Marriages in India.

XXV. All marriages solemnized in India from and after the first day of July 1864, between persons both or one of whom shall profess the Christian Religion, except marriages solemnized under the said Statute 14 and 15 Vic., cap. 40, and the said Act V of 1852 of the Governor-General of India in Council, shall be registered in the manner hereinafter prescribed. Provided that no omission or defect in such registration shall invalidate any marriage not otherwise invalid.

Marriages with certain exceptions to be registered as hereinafter prescribed.

Proviso.

XXVI. Every

ACT No. XXV OF 1864.

XXVI. Every marriage solemnized by a Clergyman of the Church of England shall be registered by the Clergyman solemnizing the same in the Register of Marriages of the Station or District in which the marriage shall be solemnized, according to the form contained in the Schedule (C) to this Act annexed.

Registration of marriages solemnized by Clergymen of the Church of England.

XXVII. Every Clergyman of the Church of England shall send four times in every year returns in duplicate, authenticated by the signature of such Clergyman, of the entries in the Register of Marriages solemnized at or in any Station or District at which such Clergyman shall have any spiritual charge, to the Registrar of the Archdeaconry to which he shall be subject, or within the limits of which such Station or District shall be situated. Such quarterly returns shall contain all the entries of marriages contained in the said Register from the first day of January to the thirty-first day of March, from the first day of April to the thirtieth day of June, from the first day of July to the thirtieth day of September, and from the first day of October to the thirty-first day of December, of each year respectively, and shall be transmitted by such Clergyman within two weeks from the expiration of each of the quarters above specified. The said Registrar upon receiving the same shall transmit one duplicate to the Secretary to the Government at the Presidency in which such Archdeaconry shall be.

Quarterly returns to Archdeaconry.

XXVIII. Every marriage solemnized by a Clergyman of the Church of Scotland shall be registered by the Clergyman solemnizing the same in a Register of Marriages to be kept by him for the Station or District in which the marriage shall be solemnized, in the form prescribed in Section XXVI for marriages solemnized by Clergymen of the Church of England, and such Clergyman shall forward quarterly to the Secretary to Government, through the Senior Chaplain of such Church, returns similar to those prescribed in the preceding Section for Clergymen of the Church of England, of all marriages solemnized by him.

Registration and returns of marriages by Clergymen of the Church of Scotland.

XXIX. After the solemnization of any marriage under this Act by any person who has received episcopal ordination, but who is not a Clergyman of the Church of England, or by any Minister of Religion licensed under this Act to solemnize marriages, the person solemnizing the same shall forthwith register

Marriages solemnized by certain persons to be entered in a Register Book and also in a certificate.

ACT No. XXV OF 1864.

register such marriage in duplicate :—that is to say, in a Marriage Register Book to be kept by him for that purpose, according to the form prescribed by the Schedule (D) to this Act annexed, and also in a certificate attached to the Marriage Register Book as a counterfoil.

XXX. The entry of such marriage in both the certificate and Marriage Register Book shall be signed by the person by whom the said marriage has been solemnized and also by the parties married, and shall be attested by two witnesses who were present at the solemnization of the marriage, and every such entry shall be made in order from the beginning to the end of the book, and the number of the certificate shall correspond with that of the entry in the Marriage Register Book.

Such entries to be signed and attested.

XXXI. The person solemnizing the said marriage shall forthwith separate the certificate from the Marriage Register Book, and transmit it within one calendar month from the time of the solemnization of the said marriage to the Marriage Registrar of the District in which such marriage was solemnized, or, if there be more Marriage Registrars than one, to the Senior Marriage Registrar, who shall cause the same to be copied into a book to be kept by him for that purpose, and shall transmit all the said certificates which he shall have received during the month, with such number and signature or initials added thereto as are hereinafter required, to the Secretary to the Government of the Presidency or Lieutenant-Governorship within which he resides, together with the certificates from his own Marriage Register Book which he shall transmit under the twelfth Section of the said Statute 14 and 15 Vic., cap. 40, but distinct therefrom.

Such certificate to be forwarded to Marriage Registrar, copied, and transmitted to Government.

XXXII. Such copies shall be entered in order from the beginning to the end of the said book, and shall bear both the number of the certificate as copied, and also a number to be entered by the Marriage Registrar indicating the number of the entry of the said copy in the said book, according to the order in which each certificate was received by the said Marriage Registrar.

Copies of certificates how to be entered and numbered.

XXXIII. The Marriage Registrar shall also add such last mentioned number of the entry of the copy in the book, to the certificate, with his signature or initials, and shall

Registrar to add number of entry of copy to the certificate, &c.

ACT No. XXV OF 1864.

shall at the end of every month transmit the same to the Secretary to the Government of the Presidency, or Lieutenant-Governorship, as aforesaid.

XXXIV. The person solemnizing any such marriage as is provided for in Part V of this Act, shall keep safely the said Register Book until the same shall be filled, or if he shall leave the District in which he solemnized the marriage before the said book is filled, shall make over the same to the person who shall succeed to his duties in the said District, who shall keep safely the same, and shall enter therein the entries by this Act required to be made in respect of any marriage solemnized by him within the said District; and the person having the control of the book at the time when the same shall be filled, shall transmit the same to the Marriage Registrar of the District, or, if there be more Marriage Registrars than one, to the Senior Marriage Registrar, who shall transmit the same to the Secretary to the Government at the Presidency as aforesaid, to be kept by him with the records of his Office.

XXXV. Provided that with regard to the marriages so certified, of which it may appear to the Governor-General of India in Council desirable that evidence shall be transmitted to England, the Secretary to the Government shall, at the end of every three calendar months in each year, send all the certificates of marriage sent to him as aforesaid during such three months, signed by him, to the Secretary of State for India, for the purpose of being delivered to the Registrar General of Births, Deaths, and Marriages.

XXXVI. 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 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 such person shall make the like marginal entry, attested in the like manner, in the certificate thereof, and in case such certificate shall have been already transmitted to the Secretary to the Government

of

ACT No. XXV OF 1864.

of the Presidency or place within which he resides, such person shall make and transmit in like manner a separate certificate of the original erroneous entry, and of the marginal correction therein made.

XXXVII. Every person solemnizing a marriage under this Act and hereby required to register the same, and every Marriage Registrar or Secretary to Government who shall have the custody for the time being of any Register of Marriages, or of any certificate or copies of certificate under this Act, shall at all reasonable times allow searches to be made of any Marriage Register Book, or of any certificate, or duplicate, or copies of certificate in his custody, and shall give a copy under his hand of any entry or entries in the same on the payment of the fees hereinafter mentioned: that is, 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.

XXXVIII. All fees received by a Marriage Registrar or Secretary shall be accounted for and paid over by him to Government, and all fees received by a person solemnizing a marriage not being a Marriage Registrar, may be retained by such person.

XXXIX. Every certified copy, purporting to be signed by the person entrusted under this Act with the custody of any Marriage Register or certificate or duplicate certificate required to be kept or delivered under this Act, of any entry of a marriage in such Register, or of any such certificate or duplicate certificate, shall be received as evidence of the marriage purporting to be so entered, or of the facts purporting to be so certified therein, without further proof of such Register or certificate, or duplicate copy, or of any entry therein respectively, or of such copy.

XL. Nothing contained in this Part of this Act shall apply to the Register or certificate of any marriage solemnized under the said Statute 14 and 15 Vic., cap. 40, or the said Act V of 1852 of the Governor-General of India in Council.

XLI. And

PART V.

As to the Marriage of certain Native Christians.

XLI. And whereas it is expedient to make provision for the marriage of certain Native Christians to whom the provisions of the said Statute 14 and 15 Vic., cap. 40, and the said Act V of 1852 of the Governor General of India in Council are found not to be suitable, it shall be lawful for the local Government of any Presidency or place, or the Chief Commissioner of any Province, to issue a license to any person, authorizing him to grant certificates of marriage between Native Christians, being converts from any religion in India.

XLII. It shall not be a necessary preliminary to the grant of a certificate by any person licensed under the last preceding Section, that any notice of marriage should have been given by either of the parties to such marriage, or that any certificate should have been issued of any notice having been given under the provisions of the said Act V of 1852 of the Governor-General of India in Council, or otherwise, and every marriage between Native Christians as aforesaid applying for a certificate under this Part of this Act, shall be certified under this Part of this Act if the following conditions be fulfilled, and not otherwise :

No notice necessary before marriage, but certificate of marriage may be given.

Conditions.

1. The age of the man intending to be married shall exceed sixteen years, and the age of the woman intending to be married shall exceed thirteen years :
2. The man and the woman shall not stand to each other within the prohibited degrees of consanguinity or affinity :
3. Neither of the parties intending to be married shall have a wife or husband still living :
4. In the presence of the person so licensed and of at least two witnesses, each of the parties shall say to the other—
“ I call upon these persons here present to witness that I, A. B., in the presence of Almighty God, do take thee, C. D., to be my lawful wedded wife (or husband),” or words to the like effect :
5. That such declaration be made between the hours of six in the morning and seven in the evening.

XLIII. When

ACT No. XXV OF 1864.

XLIII. When in respect to any marriage falling under this Part of this Act, the conditions prescribed in the last preceding Section shall have been fulfilled, it shall be the duty of the person licensed as aforesaid, in whose presence the said declaration shall have been made, to grant a certificate of such marriage on the application of either of the parties to such marriage on the payment of a fee of four annas. Such certificate shall be signed by such licensed person, and shall be received as conclusive evidence of such marriage having been performed, in any suit touching the validity of such marriage, and no evidence to prove the contrary shall be received in any such suit.

On marriage, (the conditions having been fulfilled,) licensed person to grant a certificate thereof.

XLIV. The local Government, or the Chief Commissioner, may at any time revoke any license granted by such Government or Chief Commissioner under Section XLI of this Act.

Licenses may be revoked.

XLV. The grant or revocation of any license under Sections XLI and XLIV respectively of this Act shall be notified in the Official Gazette.

Grant or revocation of license how to be notified.

XLVI. All marriages performed between Native Christians as aforesaid, in accordance with the provisions of Section XLIII of this Act, shall be good and valid to all intents and purposes.

Marriages performed under the provisions of Section XLIII to be valid.

XLVII. A Register Book of all marriages of which certificates shall be granted under Section XLIII of this Act, shall be kept by the person granting such certificates in his own vernacular language. Such Register Book shall be kept according to such form as the local Government shall from time to time prescribe, and true extracts therefrom duly authenticated shall be deposited at such places and at such times as the local Government shall direct.

Register Book to be kept.

XLVIII. Every person licensed under this Act to grant certificates of marriage and who shall have the custody of a Marriage Register Book under the last preceding Section, shall at all reasonable times allow search to be made in such Book in his custody, and shall give a copy certified under his hand of any entry or

Searches to be allowed in the Register Book.

ACT No. XXV OF 1864.

or entries in the same on the payment of the fees hereinafter mentioned : that is to say— for every search extending over a period not exceeding two years the sum of eight annas, and two annas additional for every additional year.

PART VI.

As to Penalties.

XLIX. Whoever intentionally makes any false oath or declaration, or signs any false notice or certificate required by the said Statute 14 and 15 Vic., cap. 40, or the said Act V of 1852 of the Governor-General of India in Council, or by this Act, for the purpose of procuring any marriage, shall be guilty of the offence described in Section 193 of the Indian Penal Code, and on conviction shall be liable to the punishment prescribed in that Section.

Punishment for false oath, declaration, notice, or certificate, for procuring marriage.

L. Whoever forbids the issue by a Marriage Registrar of a certificate, by falsely representing himself or herself to be a person whose consent to the marriage is required by law, knowing such representation to be false, shall be guilty of the offence described in Section 205 of the Indian Penal Code, and shall on conviction be liable to the punishment prescribed in that Section.

Punishment for forbidding the issue by a Marriage Registrar of a certificate by false representation.

LI. Whoever, not being authorized under Section II of this Act to solemnize a marriage shall, on or after the first day of July 1864, knowingly and wilfully solemnize a marriage between persons, one or both of whom shall be a person or persons professing the Christian Religion, in the absence of a Marriage Registrar of the District in which such marriage is solemnized, shall be punished with imprisonment of either description, as defined in the Indian Penal Code, which may extend to ten years, and shall also be liable to fine; or in lieu of a sentence of imprisonment for seven years or upwards, to transportation for a term of not less than seven years and not exceeding ten years; or if the offender be an European or American, to penal servitude according to the provisions of Act XXIV of 1855 (*to substitute penal servitude for the punishment of transportation in respect of European and American Convicts, and to amend the law relating to the removal of such Convicts.*)

Punishment for a person, not duly authorized, solemnizing a marriage.

LII. . Whoever

ACT No. XXV OF 1864.

LII. Whoever shall, from and after the first day of July 1864, knowingly and wilfully solemnize a marriage between persons, one or both of whom shall be a person or persons professing the Christian Religion, at any time otherwise than between the hours of six in the morning and seven in the evening, or in the absence of at least two witnesses, shall be punished with imprisonment of either description, as defined in the Indian Penal Code, for a term which may extend to three years, and shall also be liable to fine. But the provisions of this Section shall not apply to marriages solemnized under special licenses granted by the Bishop of the Diocese or by his Commissary.

Punishment for solemnizing a marriage otherwise than between certain hours, &c.

LIII. Any Minister of Religion licensed to solemnize marriages under this Act, who shall knowingly and wilfully solemnize a marriage when 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 receipt by him of notice of such marriage, shall be punished with imprisonment of either description, as defined in the Indian Penal Code, for a term which may extend to three years, and shall also be liable to fine. But the provisions of this Section shall not apply to marriages solemnized between Native Christians under the provisions of Part V of this Act.

Punishment for Registrars issuing certificates, or solemnizing marriages, without publication of notice, &c.

LIV. Whoever, being a Marriage Registrar appointed under the provisions of the said Act V of 1852 of the Governor-General of India in Council, shall knowingly and wilfully issue any certificate for marriage, or solemnize any marriage under the said Act V of 1852, without publishing or affixing in some conspicuous place the notice of such marriage as directed by the said Act; or after expiration of two calendar months after a certificate in respect of a marriage shall have been issued by him shall solemnize such marriage; or shall, without an order of a competent Court authorizing him to do so, solemnize any marriage when one of the parties intending marriage (not being a widow or widower) is under twenty-one years of age, before the expiration of fourteen days after the receipt of such notice as is required by the said Act, or without sending or causing to be sent by the Post or otherwise a copy of such notice of marriage to the Marriage Registrar of the District, or, if there be more Marriage Registrars than one, to the Senior Marriage Registrar of the District; or shall issue any certificate, the issue of

ACT No. XXV OF 1864.

of which shall have been prohibited as in this Act provided by any person authorized to prohibit the issue thereof, shall be punished with imprisonment of either description, as defined in the Indian Penal Code, for a term which may extend to five years, and shall also be liable to fine.

LV. Whoever, being a person authorized under the provisions of this Act to solemnize a marriage, and not being a Clergyman of the Church of England solemnizing a marriage after due publication of Banns or under a license from the Bishop of the Diocese or a Surrogate duly authorized in that behalf, or not being a Clergyman of the Church of Scotland solemnizing a marriage according to the rules, rites, ceremonies, and customs of that Church, shall knowingly and wilfully issue any certificate for marriage under this Act, or solemnize any marriage between such persons as aforesaid, without publishing or causing to be affixed the notice of such marriage as directed in Part II of this Act, or after the expiration of two calendar months after the certificate shall have been issued by him; or shall knowingly and wilfully issue any certificate for marriage, or solemnize a marriage between such persons, when one of the persons intending marriage, not being a widower or widow, is under twenty-one years of age, before the expiration of fourteen days after the receipt of notice of such marriage, or without sending or causing to be sent by the Post or otherwise a copy of such notice to the Marriage Registrar, or if there be more Marriage Registrars than one to the Senior Marriage Registrar of the District; or shall knowingly and wilfully issue any certificate, the issue of which shall have been forbidden under this Act, by any person authorized to forbid the issue; or shall knowingly and wilfully solemnize any marriage which shall have been forbidden by any person authorized to forbid the same, shall be punished with imprisonment of either description, as defined in the Indian Penal Code, for a term which may extend to four years, and shall also be liable to fine.

LVI. Whoever, not being licensed to grant a certificate of marriage under Part V of this Act, shall grant such certificate intending thereby to make it appear that he is so licensed, shall be punished with imprisonment of either description, as defined in the Indian Penal Code, for a term which may extend to five years, and shall also be liable to fine.

Punishment on unlicensed person pretending to grant certificate of marriage under Part V.

LVII. Whoever

ACT No. XXV OF 1864.

LVII. Whoever shall wilfully insert or cause to be inserted any false entry in any such Register Book, or such authenticated extract therefrom as is mentioned in Section XLVII of this Act, shall be liable to the punishment prescribed by Section 193 of the Indian Penal Code.

Punishment for making false entries.

LVIII. Offences punishable under this Act shall be tried under the provisions of the Code of Criminal Procedure by the Court of Session as defined in the said Code of Criminal Procedure; provided that no European British subject shall be liable to be tried for any offence punishable under this Act except by one of Her Majesty's High Courts of Judicature in India. In cases beyond the limits of the Presidency Towns of Calcutta, Madras, and Bombay, charges against European British subjects for any offence under this Act shall be investigated, and the committal for trial shall be made under the provisions of Sections 39, 40, and 41 of the Code of Criminal Procedure, and the trial of European British subjects under this Act by any of the said High Courts shall be under the procedure by which the proceedings of the said High Courts are regulated.

Jurisdiction to punish offences punishable under this Act.

LIX. Except as provided in the last preceding Section, the provisions of the Code of Criminal Procedure shall apply to the investigation and committal in all cases of charges under this Act. Provided that a summons shall ordinarily issue in the first instance, and provided also that offences punishable under this Act shall be bailable.

Code of Criminal Procedure applicable to investigations and committals under this Act.

LX. The words "Church of England" wherever used in this Act, shall mean the United Church of England and Ireland as by law established:

Meaning of "Church of England."

The words "Church of Scotland" wherever used in this Act, shall mean the Church of Scotland as by law established.

Meaning of "Church of Scotland."

LXI. This Act shall come into operation on the first day of July 1864.

Operation of Act.

Schedule

ACT No. XXV OF 1864.

SCHEDULE (A)—(See Section VI).

Notice of Marriage.

To the Rev. John Brown, a Minister of the *Free Church of Scotland, at Calcutta.*

I hereby give you notice, that a marriage is intended to be had, within three calendar months from the date hereof, between me and the other party herein named and described (that is to say),

Name.	Condition.	Rank or Profession.	Age.	Dwelling Place.	Length of Residence.	Church, Chapel, or place of worship, in which the marriage is to be solemnized.	District in which the other party resides when the parties dwell in different Districts.
<i>James Smith.</i>	<i>Widower.</i>	<i>Carpenter.</i>	<i>Of full age.</i>	<i>16, Clive Street.</i>	<i>23 days.</i>	<i>Free Church of Scotland Church, Calcutta.</i>	
<i>Martha Green.</i>	<i>Spinster.</i>	.....	<i>Minor.</i>	<i>20, Hastings' Street.</i>	<i>More than a month.</i>		

Witness my hand, this *sixth* day of *July*, one thousand eight hundred and *sixty-four*.

(Signed) JAMES SMITH.

(The *Italics* in this Schedule are 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

ACT No. XXV OF 1864.

SCHEDULE (B)—(See Section XX).

Registrar's Certificate.

I, the Reverend John Brown, a Minister of the Free Church of Scotland at Calcutta in Bengal, do hereby certify, that on the sixth day of July 1864, notice was duly entered in my Marriage Notice Book 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, or place of worship, in which the marriage is to be solemnized.	District in which the other party resides when the parties dwell in different Districts.
<i>James Smith.</i>	<i>Widower.</i>	<i>Carpenter.</i>	<i>Of full age.</i>	<i>16, Clive Street.</i>	<i>23 days.</i>	<i>Free Church of Scotland Church, Calcutta.</i>	
<i>Martha Green.</i>	<i>Spinster.</i>	.....	<i>Minor.</i>	<i>20, Hastings' Street.</i>	<i>More than a month.</i>		

and that the declaration required by Section XV of this Act has been duly made by the said (*James Smith.*)

Date of notice entered 6th July 1864.	} The issue of this Certificate has not been prohibited by any person authorized to forbid the issue thereof.
Date of certificate given 20th July 1864.	

Witness

ACT No. XXV OF 1864.

Witness my hand, this *Twentieth* day of *July* one thousand eight hundred and *sixty-four*.

(Signed) *John Brown,*
Minister of the Free Church of Scotland.

This Certificate will be void unless the marriage is solemnized on or before the *20th* day of *September* 1864.

(The *Italics* in the Schedule are 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 (C)

ACT No. XXV OF 1864.

SCHEDULE (C)—(See Section XXVI).

Form of Register of Marriages.

Quarterly Returns

of

MARRIAGES,

for

The Archdeaconry of... {
Calcutta,
Madras,
Bombay.

I, Registrar of the Archdeaconry of *Calcutta,*
Madras,
Bombay,

certify, that the annexed are correct Copies of the Original and Official Quarterly Returns of Marriages
Calcutta,
 within the Archdeaconry of *Madras,* as made and transmitted to me for the Quarter commencing the
Bombay,

First day of January ending the *Thirty-first day of March,* in the Year of Our Lord One Thousand Eight Hundred and Sixty-four.

Signature of Registrar

Registrar of the Archdeaconry of {
Calcutta,
Madras,
Bombay.

MARRIAGES solemnized at {
Allahabad,
Barrackpore,
Bareilly,
Calcutta, &c., &c.

When married.	NAMES OF PARTIES.		Age.	Condi- tion.	Rank or Profession.	Residence at the time of Marriage.	Father's Name and Surname.	By Banns or License.	Names of Witnesses present.	By whom married.
	Christian.	Surname.								
1864, 14th July.	William John Sophia Ann	Hastings Mitchell	... ...	Bachelor Spinster	Upholsterer	Hastings' Street ... Lower Circular Road	Peter Hastings.. Geoffry Mitchell	Banns ...	John Thomas Green. Thomas Hastings. Willm. Geo. Mitchell, Harriet Eliza Mitchell.	Henry Fisher. Senior Chaplain.

Schedule (D)

SCHEDULE (D)—(See Section XXIX).

MARRIAGE REGISTER BOOK.

CERTIFICATE OF MARRIAGE.

No.	WHEN MARRIED.			NAME OF PARTIES.		Age.	Condition.	Rank or Profession.	Residence at the time of Marriage.	Father's name and surname.	No.	WHEN MARRIED.			NAME OF PARTIES.		Age.	Condition.	Rank or Profession.	Residence at the time of Marriage.	Father's Name and Surname.
	Day.	Month.	Year.	Christian.	Surname.							Day.	Month.	Year.	Christian.	Surname.					
1	26th	July	1864	James ..	White ..	26 years	Widower	Carpenter	Agra...	William White.	1	26th	July	1864	James ..	White ..	26 years	Widower	Carpenter...	Agra	William White.
				Martha..	Duncan ..	17 years	Spinner	.....	Agra...	John Duncan.					Martha...	Duncan...	17 years	Spinner	.....	Agra	John Duncan.

Married in the Free Church of Scotland Church, Agra.

John Young, Minister of the Free Church of Scotland.

This Marriage was solemnized between us { James White, } in the presence of us { John Smith, }
 { Martha Duncan, } in the presence of us { John Green. }

Married in the Free Church of Scotland Church, Agra.

John Young, Minister of the Free Church of Scotland.

This Marriage was solemnized between us { James White, } in the presence of us { John Smith, }
 { Martha Duncan, } in the presence of us { John Green. }