

No. XXXIV.

An Act to declare certain Marriages valid, and to amend the Law relating to Marriage and the Registration of Marriages. [1st April, 1892.]

MARRIAGES
VALIDATION AND
MARRIAGE LAW
AMENDMENT.

WHEREAS by an Act passed in the nineteenth year of the reign Preamble. of Her present Majesty, intituled "*An Act to amend and consolidate the Laws affecting the Solemnisation of Marriage*," it is among other matters enacted that no marriage shall be celebrated until after a declaration upon oath or solemn affirmation shall have been made before some Surrogate for licenses, or before the Minister or District Registrar celebrating the marriage, by each of the parties to be married, in the form set forth in the Schedule to the said Act marked D; and it is further enacted that every marriage which shall be celebrated by any such Minister or Registrar as in the said Act mentioned, after oath or solemn affirmation so made, shall be a legal and valid marriage to all intents and purposes, and no other marriage, except as in the said Act afterwards provided, shall be valid for any purpose: And whereas marriages have been celebrated without any declaration having been made by the parties thereto, as required by the said cited Act, and it is thought proper that such marriages should not be invalidated for that reason only, and it is also desirable to enact that in future no marriage otherwise valid shall be invalidated for the like reason; and it is further desirable to amend the law relating to marriage and the registration of marriages in certain respects: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Marriages Validation and Short title, &c. Marriage Law Amendment Act of 1892," and shall be taken as part of and read with the Principal Act and the Act nineteenth Victoria number thirty-four. The expression "Principal Act" when used in this Act means the hereinbefore cited Act of the nineteenth Victoria numbered thirty.

PART I.

*Validation of certain Marriages.***Validation of certain marriages.**

2. (1) No marriage celebrated in New South Wales on or after the first day of March, one thousand eight hundred and fifty-six, shall be deemed or declared invalid by reason only of the fact that both or either of the parties to such marriage may not have made the declaration required by section four of the Principal Act.

(II) Nothing in this Act contained shall be construed to relieve any person from liability to prosecution and punishment for any act, matter, or thing which, but for this Act, would have constituted an offence punishable under the Principal Act; and no marriage declared invalid by any competent Court before the passing of this Act shall be validated by anything herein contained.

(III) The provisions of this Part shall come into force immediately on the passing of this Act.

PART II.

*Amendment of the Law relating to Marriage, &c.***Commencement of Part II.**

3. The provisions of this Part shall come into force from and after the first day of August, one thousand eight hundred and ninety-two.

Repeal of sec. 4 of Principal Act.

4. The fourth section of the Principal Act and so much of the said Act as is inconsistent with this Act are hereby repealed, but without prejudice to the past operation of the enactments so repealed, except in so far as by this Act expressly provided.

Form, &c., of declaration for marriages hereafter celebrated.

5. (I) No marriage shall be celebrated hereafter unless and until each of the parties about to be married has made on oath or solemn affirmation before the Minister or District Registrar celebrating such marriage a declaration in the form of the Schedule hereto, indorsed upon the form of certificate of marriage, to be afterwards signed by the parties to the marriage, the witnesses, and the Minister or Registrar, under section seven of the Principal Act.

(II) Every certificate of marriage shall be in the form prescribed in the Schedule to this Act, and every form of certificate of marriage and every copy thereof shall have endorsed thereon the form of declaration by this Act prescribed, and at the foot of every such form of certificate and every copy thereof there shall be printed, in red ink, a note referring to the declaration on the back of the said certificate in the form of the said Schedule.

Validation of future marriages notwithstanding want of declaration.

(III) The form of certificate, with the said form of declaration so endorsed thereon, as prescribed by this Act, shall be furnished by the Registrar-General to the persons named in the eighth section of the Act nineteenth Victoria number thirty-four, in the same manner as, and in substitution for, the forms of certificate and declaration in the said section of the said Act referred to.

Punishment for infringement of Act.

6. No marriage celebrated in New South Wales after the passing of this Act shall be deemed to be or shall be declared invalid by reason only of the fact that both or either of the parties to such marriage may not have made a declaration as required by this Act.

7. Every Minister, District Registrar, or other person who shall celebrate any marriage in any case in which the requirements of this Act have not been complied with shall be liable to the punishment and penalties by section seventeen of the Principal Act provided.

Marriages Validation and Marriage Law Amendment.

8. Every person who shall go through the ceremony of marriage without having first made and signed the declaration required by this Act shall be guilty of a misdemeanour.

9. The form of declaration and certificate of marriage provided by this Act shall be in substitution of those prescribed by the Principal Act, and shall be deemed a certificate of marriage for all purposes of the Principal Act as amended hereby, and of the Act nineteenth Victoria number thirty-four, and any Act amending the same.

10. Nothing in this Act shall extend to any marriage between Quakers or Jews, parties of whom both shall be Quakers or Jews.

Punishment of party marrying without having made declaration.

Certificates, &c., to be in lieu of existing certificates, and for purposes of 19 Vic. No. 34, &c.

SCHEDULE.

Declaration before District Registrar or Minister to be endorsed on marriage certificate form.

I, *Thomas Williams*, of [place of residence, condition, and designation or employment], being duly sworn, do on my oath declare [or if objecting to take an oath, do solemnly and sincerely declare and affirm] that I have attained the age of twenty-one years [or if not of the age of twenty-one years, and not a widower], that I have duly obtained the written consent required by the "Marriage Act," nineteenth Victoria number thirty, and 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 [Mary Edwards], of [place of residence, condition, and designation or employment], daughter of [James Edwards], of [place of residence and designation]; and I hereby further declare that I have full knowledge that if I swear or affirm falsely I shall be guilty of perjury, and be liable to be punished accordingly.

(Signature of *Thomas Williams*.)

And I, the said *Mary Edwards*, [condition], being duly sworn do on my oath declare [or if objecting to take an oath, do solemnly and sincerely declare and affirm], that I have attained the age of twenty-one years [or if not of the age of twenty-one years, and not a widow], that I have duly obtained the written consent required by the "Marriage Act," nineteenth Victoria number thirty, and 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 the said *Thomas Williams*. And I hereby further declare that I have full knowledge that if I swear or affirm falsely I shall be guilty of perjury, and be liable to be punished accordingly.

(Signature of *Mary Edwards*.)

Declared and sworn [or, "and affirmed"] by both the parties named this day of , 18 . Before me,—

(Signature and Designation of Minister or Registrar.)

Certificate of Marriage.

I [name of Minister or Registrar] being [designation] do hereby certify that I have this day at [place] duly celebrated marriage between [name, designation, and residence of husband] and [name, designation, and residence of wife] after declaration duly made before me as by law required.

Dated this day of 18 .

(Signature of Minister or Registrar.)

A.B.

Signature of parties { C.D.
to Marriage. { E.F.

Signature of { G.H.
witnesses. { J.K.

NOTE (to be printed in red ink).—"The declaration on the back hereof must be duly made and signed, otherwise the parties and the officiating Minister or Registrar are liable to the punishment by law provided in that behalf."