

*Marriage.*

## No. II.

An Act to remove Doubts as to the Validity of certain Marriages had and solemnized within the Colony of New South Wales and to regulate the registration of certain Marriages Baptisms and Burials. [4th July, 1834.]

MARRIAGE.

WHEREAS doubts may hereafter arise concerning the validity of Preamble.

Marriages which have been had and solemnized within the Colony of New South Wales and whereas it is expedient that such doubts should be quieted and that the Law respecting such Marriages should be declared for the future Be it therefore declared and enacted by His Excellency the Governor of New South Wales with the advice of the Legislative Council thereof That all Marriages before the passing and publication of this Act had and solemnized by ordained or officiating Ministers of the Church of Scotland as by law established or by ordained or officiating Priests or Ministers of the Roman Catholic Church shall be and shall be adjudged esteemed and taken to have been of the same force and effect as and no other than if such Marriages had been had and solemnized by Clergymen of the Church of England according to the rites and ceremonies of the Church of England.

Marriages solemnized before the passing of this Act by Ministers of the Churches of Scotland or Rome to be of full force.

2. And be it further enacted That from and after the passing and publication of this Act all Marriages between persons both or one of such persons being members or a member of or holding communion with the Presbyterian Church of Scotland or the Roman Catholic Church respectively and making a declaration to the effect hereinafter mentioned which Marriages shall be had and solemnized within this Colony by an ordained Minister of the Presbyterian Church of Scotland or by a Priest or Minister of the Roman Catholic Church duly empowered by his proper superior respectively shall be and shall be adjudged esteemed and taken to be of the same force and effect as and no other than if such Marriages were had and solemnized by Clergymen of the Church of England according to the rites and ceremonies of the Church of England Provided always that from and after the passing of this Act no such Marriage as last aforesaid shall be had and solemnized until both or one of such persons as the case may be shall have signed a declaration in writing in duplicate stating that they or he or she as the case may be are or is members or a member of or hold communion with the Presbyterian Church of Scotland or the Roman Catholic Church respectively according to the form hereunto annexed and marked with the letter A.

Persons being members of the Churches of Scotland or Rome to make a declaration thereof and Marriages between such persons to be of full force.

3. And be it further enacted That the Minister or Priest by whom any such Marriage as aforesaid shall be solemnized shall immediately upon the solemnization thereof certify such Marriage by a writing under his hand in duplicate subjoined to or endorsed upon the declaration in duplicate hereinbefore mentioned specifying in such certificate the names and descriptions of the parties between whom and of the witnesses in whose presence the said Marriage has been had and solemnized and the time and place of the celebration of the same according to the form hereunto annexed and marked with the letter B and such certificate in duplicate shall be also signed forthwith by the parties entering into such Marriage and by the witnesses to the same according to the said last-mentioned form and the Minister or Priest officiating shall deliver one duplicate of such declaration and certificate to the persons married or to one of them and shall transmit the

Ministers solemnizing such Marriage to give a certificate thereof in duplicate.

the

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the other duplicate of such declaration and certificate to the Registrar of the Supreme Court.

Ministers of the Presbyterian and Roman Catholic Churches to transmit certificates of Baptism and Burial to the Registrar of the Supreme Court.

4. And be it further enacted That a certificate of every Baptism or Burial solemnized or performed by any ordained Minister of the Presbyterian Church of Scotland or Priest or Minister of the Roman Catholic Church shall be transmitted by the Minister or Priest officiating with all convenient speed to the Registrar of the Supreme Court.

Proviso for safely keeping duplicates and certificates of Marriages &c.

5. And be it further enacted That as often as any such duplicates and certificates of Marriages and certificates of Baptisms and Burials are transmitted to the Registrar of the Supreme Court as hereinbefore directed the same shall be by him safely kept from damage and be so arranged as to be resorted to when required and one general alphabetical list shall be made in books to be kept for such purpose of the names of all persons and places therein respectively which with the said duplicates and certificates as aforesaid shall be open to public search at all reasonable times on payment of one shilling for each name searched for by the party or parties searching who shall state at the time of such search the name or names of the person or persons sought for And certified copies of such duplicates and certificates respectively shall be received and taken in all Courts of Law and Equity within the said Colony as evidence of the Marriage Baptism or Burial of the parties respectively named therein and for every such copy as aforesaid a sum of one shilling and no more shall be paid by the party requiring the same.

Repealing part of the Act in Council 6 Geo. IV. No. 21.

6. And be it further enacted That from and after the passing of this Act so much of a certain Act of the said Governor and Council passed in the sixth year of the reign of His late Majesty King George the Fourth intituled "*An Act for the better regulating and preserving Parish and other Registers of Births Baptisms Marriages and Burials in New South Wales and its Dependencies including Van Diemen's Land*" as relates to any certificate of Marriage Baptism or Burial as in this Act is mentioned shall be and the same is hereby repealed.

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## SCHEDULES REFERRED TO.

### A.

#### FORM OF DECLARATION.

I A. B. (or we as the case may require) do hereby declare that I am (or we are) a member (or members) of or hold communion with the Presbyterian Church of Scotland (or the Roman Catholic Church.)

(Signed)

A. B.  
C. D.

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### B.

#### FORM OF CERTIFICATE.

I E. F. Minister (or Priest) of (here describe the Residence and Church of the Minister or Priest) do hereby certify that A. B. of \_\_\_\_\_ and C. D. of \_\_\_\_\_ (here describe the residence of the parties married) were joined together in wedlock by me on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_ at \_\_\_\_\_ in the presence of (here describe the names and residences of the respective witnesses to the marriage ceremony who intend to subscribe the certificate.)

(Signed)

E. F. Minister (or Priest.)

Witnesses G. H.  
I. K.