ANNO TRICESIMO PRIMO

VICTORIAE REGINAE.
A.D. 1867.

No. 15.

An Act to consolidate and amend the Laws relating to Marriages in the Province of South Australia.

[Assented to, 19th December, 1867.]

WHEREAS it is expedient to consolidate and amend the Laws relating to Marriages in the Province of South Australia, and to remove doubts which have arisen as to the validity of certain marriages heretofore celebrated in the said Province—Be it therefore Enacted, by the Governor-in-Chief of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows:

1. This Act may be cited for all purposes as "The Marriage Act, 1867."

2. This Act shall come into operation on the first day of March, 1868.

3. Except as hereinafter provided, the Ordinances and Acts specified in the First Schedule hereto shall, to the extent therein expressed, be, and the same are, hereby repealed.

4. Where, before the coming into operation of this Act, any offence has been wholly or partly committed against any of the Ordinances or Acts so repealed, or any penalty thereunder has been incurred, or any act or thing has been done or registered, or rule, regulation, order, or appointment has been made under the authority of any such Ordinance or Act, or where any marriage has been declared
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declared valid under any such Ordinance or Act, or where, in respect of any matter or thing done prior to the coming into operation of this Act, any right, liability, privilege, or protection accrues or has accrued, or any action, suit, 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, thing, rule, regulation, order and appointment, and every such marriage, and every such right, liability, privilege, and protection shall con-
tinue and be in force, and every such action, suit, prosecution, or other proceeding shall be prosecuted, continued, or defended in the same manner as if such Ordinances or Acts were not repealed.

5. Every marriage in fact hertofore bonâ fide celebrated in the said Province, shall be deemed a legal and valid marriage to all intents and purposes: Provided that no lawful impediment existed at the time of such marriage.

6. The present Registrar-General of Births, Deaths, and Mar-
riages, and the present Deputy Registrar of Births, Deaths, and Marriages, shall be Registrar-General and Deputy Registrar of Marriages, respectively, under this Act; and the present office in the City of Adelaide for keeping a General Register of Births, Deaths, and Marriages, in the said Province shall be the office in the City of Adelaide for keeping a General Register of Marriages under this Act: Provided that it shall be lawful for the Governor from time to time, as he shall think fit, to appoint persons to and remove persons from the office of Registrar-General of Marriages and Deputy Registrar of Marriages, and to appoint any other building to be the office for keeping such General Register of Marriages; and all such appointments and removals and alterations shall be duly notified in the Government Gazette.

7. All districts which, at the time of the coming into operation of this Act, or from time to time thereafter, are or shall be duly pro-
claimed to be Registrars' Districts, under provisions of an Act, No. 3 of 1855-6, intituled “An Act to amend the Law relating to registering of Births, Deaths, and Marriages, in the Province of South Australia,” or of any Act hereafter to be in force for regulating the registration of births and deaths, shall respectively be the districts of the District Registrars of Marriages under this Act; and all District Registrars of Births, Deaths, and Marriages for the time being, duly appointed and acting under the provisions of the said Act, or any such other Act as aforesaid, shall be District Registrars of Marriages under this Act for the respective districts to which they shall have been or shall be respectively appointed.

8. Every minister of religion whose name shall at the time when this Act comes into operation be found entered as an officiating minister in the book kept by the Registrar-General, as prescribed by the thirty-second and thirty-third sections of the Act No. 12 of fifth Victoria, intituled “An Act for regulating Mar-
riages
Marriages in the Province of South Australia,'' and who shall have duly entered his name upon the roll kept by the Registrar-General for that purpose, as prescribed by the eighth section of the said Act No. 3 of 1855-6, and whose appointment has not heretofore been cancelled, shall (unless any such minister of religion as afore-said shall have ceased statedly to officiate as such) continue to be an officiating minister under the provisions of this Act, and shall have, perform, and exercise the same powers, duties and authorities, and be subject and liable to the like penalties in all respects as if he had been enrolled as an officiating minister under the provisions in that behalf hereinafter contained.

9. Every minister of religion, statedly officiating as such, who shall hereafter desire to have his name enrolled as an officiating minister under the provisions of this Act, shall forward to the Governor an application to be so enrolled, together with the testimony of some person already on the roll hereinbefore mentioned, in evidence of his qualification as a minister of religion, and that he is then statedly officiating as such; or he shall forward with such application a certificate from twenty householders stating that he his and has been the six months preceding statedly officiating as the minister of the congregation of which they are members.

10. Upon the receipt of such application supported as hereinbefore mentioned, the Governor may issue an instrument under his hand, directing the Registrar-General to enrol such applicant as an officiating minister, with power to perform the ceremony of marriage within the meaning of this Act, or with power to grant licences for marriages, and to perform the ceremony of marriage within the meaning of this Act. And the Registrar-General shall, upon such instrument being presented to him, and upon the person therein named signing the roll hereinbefore mentioned, make an entry of such instrument in a book to be kept by him, and shall file and preserve the same among the records of his office, and shall give public notice in the Government Gazette of the enrolment of such person as an officiating minister.

11. The Governor may also in exceptional cases, such as when any religious body or society may have no officiating minister, and where in distant parts of the said Province there is no officiating minister or other person authorised to celebrate marriages there resident, by an instrument under his hand direct the Registrar-General to enter any person to be therein named as an officiating registrar under this Act; and the Registrar-General shall, upon such instrument being presented to him, and upon the person therein named signing the roll hereinbefore prescribed to be signed by officiating ministers, make an entry of such instrument in the book before mentioned, and shall file and preserve the same among the records of his office, and shall give public notice in the Government Gazette of the enrolment of such person as an officiating registrar; and all such officiating registrars shall have, exercise, and perform the like powers,
powers authorities, and duties in reference to granting of marriage licences, and the celebration and registration of marriages as are by this Act conferred or imposed upon officiating ministers.

12. Upon a complaint in writing being preferred to the Governor by the Registrar-General, or by any officiating minister then on the roll through the Registrar-General, setting forth that any officiating minister or officiating registrar has ceased to be qualified to be an officiating minister or officiating registrar, or has been guilty of any wilful irregularity in the issue of any licence, or in the celebration of any marriage, or has neglected to forward the certificate or reports required by this Act, the Governor may call upon the person so complained of to disprove the statements contained in such complaint; and if such person shall not, to the satisfaction of the said Governor, disprove the charges so preferred against him, and in the case of an officiating minister shall not also show that he still continues statedly to officiate as a minister of religion, the said Governor may, by an instrument under his hand, direct that the enrolment of such person as officiating minister or officiating registrar, as the case may be, shall be cancelled; and thereupon the Registrar-General shall make an entry of such enrolment being so cancelled, and shall notify the same in the Government Gazette; and upon such notification appearing in the said Gazette, as afore-said, the powers and authorities of such officiating minister or officiating registrar, respectively, under this Act, shall absolutely cease and be determined.

13. The Registrar-General shall caused to be published in the Government Gazette on the Thursday next preceding the day on which this Act shall come into operation, a list containing the names of all those persons then entered in the book, and who shall have duly entered their names in the roll hereinbefore mentioned, as officiating ministers under the said repealed Acts, or either of them, who may then be alive, and whose appointments may remain uncancelled: Provided that the said Registrar-General shall omit from such list the names of any persons so entered as officiating ministers, who at the time aforesaid are not statedly officiating as ministers of religion; and it shall be the duty of the said Registrar-General to institute such inquiries as to him may seem necessary for the purpose of enabling him to exclude from such list the names of all such persons as may not, at the time aforesaid, be actually statedly officiating as ministers of religion; and the production of the Gazette containing such list shall be conclusive evidence for all purposes that the persons whose names are included in such list were, at the date of such publication, officiating ministers under the provisions of this Act.

14. All notifications published by the Registrar-General in the Government Gazette of the enrolment of any officiating minister or officiating registrar, or the cancellation of any such enrolment, shall be conclusive evidence thereof for all purposes.

15. The
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15. The following persons, and none other, may celebrate marriages in the said Province:—

i. Officiating ministers and officiating registrars duly enrolled under the foregoing provisions:

ii. The Registrar-General of Marriages, the Deputy Registrar of Marriages, and all District Registrars of Marriages as hereinbefore mentioned, within their respective districts:

Provided that no officiating minister or officiating registrar shall be compelled to perform the marriage ceremony in cases where he may have a conscientious objection to do so.

16. Before any marriage can be celebrated the parties must either have obtained a certificate from the Registrar-General, or some District Registrar of Marriages, or they must have obtained a licence, as hereinafter mentioned.

17. In case it is desired to obtain a certificate from the Registrar-General, or any District Registrar, one of the parties shall, under his or her hand, give notice, in the form in the Second Schedule hereto, to the Registrar-General or to the District Registrar of the district, within which the parties shall have dwelt for not less than seven clear days then next preceding, or if the parties dwell in different districts they shall give the like notice to the District Registrar of each district, as the case may be, and shall therein state 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 that each of them has dwelt therein, and the building, or office, or private house in which the marriage is to be celebrated.

18. The person giving such notice as aforesaid shall make a solemn declaration, in the form contained in the Third Schedule hereto, which solemn declaration the Registrar-General and the District Registrars respectively are hereby empowered and required to take; and any such Registrar-General or District Registrar, who shall knowingly or wilfully issue a certificate as hereinafter mentioned, before such declaration shall be made, shall be guilty of a misdemeanor.

19. The Registrar-General and all District Registrars respectively shall file all such notices and keep them with the records of their office, and shall also forthwith enter a true copy of all such notices fairly into a book, to be furnished by the Government, and to be called “The Marriage Notice Book,” and the marriage notice book shall be open at all reasonable times to all persons desiring to inspect and search the same, and for every such entry or search there shall be paid to the Registrar-General or District Registrar a fee of Two Shillings and Sixpence: Provided that before the copy of any such notice shall be so entered in the notice book, some credible person...
person known to the Registrar-General or District Registrar respectively shall satisfy him, if he think fit to require it, of the truth of the several particulars set forth in such notice.

20. After the expiration of fourteen clear days from the entry of such notice, the Registrar-General or District Registrar, upon being requested so to do by and on behalf of the party by whom the notice was given, shall issue under his hand a certificate in the form in the Fourth Schedule hereto: Provided that no lawful impediment be shown to the satisfaction of the Registrar-General or District Registrar why such certificate should not issue, and provided that the issue of such certificate shall not have been sooner forbidden in manner hereinafter mentioned by any person or persons authorized in that behalf as hereinafter is provided, and every such certificate shall state the particulars set forth in the notice, the day on which the notice was entered, and that the full period of fourteen clear days has elapsed since the entry of such notice, and that the issue of such certificate has not been forbidden by any person or persons authorized in that behalf; and for every such certificate the Registrar-General or District Registrar shall be entitled to receive a fee of One Shilling.

21. Any person whose consent to a marriage is required by this Act, may and is hereby authorized to forbid the issue of any such certificate by writing the word "Forbidden" opposite to the entry of the notice of such intended 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 on the entry of such prohibition in the notice book, the Registrar-General or District Registrar shall forthwith inform one or both of the parties intending marriage of the same; and in case the issue of any such certificate shall have been so forbidden, no certificate as aforesaid shall be issued.

22. The Registrar-General and all District Registrars within their respective districts shall have power to grant licences for marriages under this Act, which licences shall be in the form contained in the Fifth Schedule hereto; and for every such licence such Registrar-General or District Registrar shall be entitled to receive from the party requiring the same the sum of Three Pounds.

23. All officiating ministers and officiating registrars shall have power to grant licences for marriages under this Act, which licences shall be in the form contained in the Fifth Schedule hereto.

24. Before any marriage, whether the same is to be celebrated in pursuance of a licence or a certificate as hereinbefore-mentioned, shall take place, both the parties thereto shall make and sign a declaration in the form in the Third Schedule hereto, which declaration the Registrar-General and all District Registrars, officiating ministers and officiating registrars, are hereby empowered and required to take, and any Registrar-General, District Registrar, officiating
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Atting minister, or officiating registrar, who shall knowingly and willfully celebrate any marriage before such declaration shall have been made and signed, shall be guilty of a misdemeanor.

25. If either party to any intended marriage, not being a widower or a widow, shall be under the age of twenty-one years no certificate authorizing such marriage shall be issued, nor shall any licence for such marriage be granted without the production to the Registrar-General, District Registrar, officiating minister, or officiating registrar, as the case may be, of the written consent of the parent or guardian of the said minor, to the said marriage: Provided that if the applicant for such certificate or licence shall, to the satisfaction of such Registrar-General, District Registrar, officiating minister, or officiating registrar, show that such parent or guardian is not resident in the said Province, or shall assign other satisfactory grounds for not having obtained such written consent, the same may, in the discretion of such Registrar-General, District Registrar, officiating minister, or officiating registrar, be dispensed with; and thereupon such certificate or licence may be issued as if such parties were both of full age.

26. Any person may enter a caveat with the Registrar-General, or any District Registrar, officiating minister, or officiating registrar, against the grant of a licence for the marriage of any person named therein; and if any caveat be entered with the Registrar-General, or any District Registrar, officiating minister or officiating registrar, such caveat being duly signed by or on behalf of the persons who enter the same, together with his or her place of residence, and the ground of objection on which his or her caveat is founded, no licence shall be granted until such Registrar-General, District Registrar, officiating minister, or officiating registrar, shall have examined into the matter of the caveat, and be satisfied that it ought not to obstruct the grant of the licence for the said marriage, or until the caveat be withdrawn by the party entering the same: Provided always, that in the case of a District Registrar refusing the grant of a licence, the person applying for the same shall have a right to appeal to the Registrar-General, who shall thereupon either confirm the refusal or direct the grant of the licence.

27. Every person who vexatiously, and without any reasonable or probable cause, shall enter a caveat against the grant of a licence for the marriage of any person, or shall forbid the issue of a certificate in manner before-mentioned, shall be liable for the costs of the proceedings, and for damages, to be recovered in any Court of competent jurisdiction, by the party against the grant of a licence for whose marriage such caveat shall have been entered, or whose marriage shall have been forbidden.

28. Upon the delivery of any such licence as aforesaid to the person authorized to perform the ceremony of marriage mentioned therein,
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29. All marriages may be celebrated in the place and between and by the parties described in the licence or certificate, according to such form and ceremony as they may think fit to adopt: Provided that such marriage shall take place with open doors, and that in some part of the ceremony, and in the presence of the Registrar-General, District Registrar, officiating minister, or officiating registrar, conducting the same, and two or more witnesses, each of the parties shall say to the other—

"I call upon these persons here present to witness that I, A.B., do take thee, C.D., to be my lawful wedded wife (or husband),"

Or words to that effect: Provided, also that there be no lawful impediments to the marriage of such parties.

30. Unless a marriage shall be had and celebrated in pursuance of any licence or certificate granted or issued as aforesaid, within three calendar months after the grant of such licence, or issue of such certificate, such licence or certificate shall be void, and of no effect, and no marriage shall be had and celebrated in pursuance thereof; and any person knowingly and wilfully celebrating any such marriage, after the expiration of the period aforesaid, shall be guilty of a misdemeanour.

31. The Registrar-General, and all District Registrars, shall be entitled, for every marriage celebrated by him or them respectively, under this Act, to receive from the parties married the sum of Ten Shillings.

32. The Registrar-General shall furnish to every District Registrar, officiating minister, and officiating registrar, such printed forms as may be necessary to enable them to register marriages, in conformity with, and otherwise to observe, the provisions of this Act.

33. The Registrar-General, and every District Registrar, officiating minister, and officiating registrar shall make out in triplicate a certificate according to the form contained in the Sixth Schedule hereto, of every marriage celebrated or contracted before him, and the parties contracting such marriage, and also the witnesses thereto, shall sign or attest their names and places of abode on such certificates, and such Registrar-General, District Registrar, officiating minister, or officiating registrar, shall also sign his name, and shall deliver one of such certificates immediately after the marriage to one of the parties thereto, and shall also within
seven days forward another copy of such certificate to the Registrar of the District in which such marriage shall have been celebrated or contracted, and the triplicate, together with the certificate or licence authorizing the marriage, the declaration or declarations signed by the parties to the marriage, and the written consent of the parent or guardian (if any), to the Registrar-General, under a penalty for every failure so to do, of a sum not exceeding Ten Pounds; and the Registrar-General, and every District Registrar shall carefully preserve all such certificates, numbering them in consecutive series according to their dates, and shall from time to time cause them, so arranged, to be bound up in convenient volumes to constitute respectively the General and District Register of Marriages; and the Registrar-General shall also preserve amongst the records of his office, all such certificates, licences, and declarations forwarded to him as aforesaid.

34. Every District Registrar, officiating minister, and officiating registrar shall once in each period of three calendar months, upon a day to be for that purpose by publication in the Government Gazette appointed, or within seven days thereafter forward to the Registrar-General a report authenticated by his signature of all marriages by him performed during the preceding three calendar months; distinguishing such, if any, as may have been performed by licence, or a nil account if no marriages have been performed by him within such period; and if he shall fail to make such report within such time, or shall make a false report, he shall be subject to a penalty not exceeding Ten Pounds.

35. The Registrar-General and every District Registrar shall cause indexes of the registry books in his office to be made and kept with the other records of his office, and every person shall be entitled at all reasonable hours to search the said indexes, and to have a certified copy of any entry or entries in the said register books under the hand of the Registrar-General or District Registrar on payment of the fees hereinafter mentioned, that is to say—For any general search the sum of Two Shillings and Sixpence; and for any particular search the sum of One Shilling; and for every such certified copy the sum of Two Shillings and Sixpence.

36. All certified copies of entries purporting to be under the hand and seal of the Registrar-General or of any District Registrar as aforesaid shall be received as primà facie evidence in any Court of Justice within the said Province of the marriage to which the same relates without any further or other proof of such entry; and upon a certificate being made by the Registrar-General that the register of marriages for any specified period, and for any particular district is lost or destroyed, then and in all such cases the certificate of such Registrar-General, under his hand and seal, shall be received as evidence in any Court of Justice within the said Province of the matter to which the same relates without further proof being required, and for every certified copy so given under seal the Registrar-
Registrar-General or District Registrar shall be entitled to receive a fee of Seven Shillings and Sixpence.

37. No marriage in fact shall be avoided by reason only of any defect or error in the declaration made respecting the same, where the identity of the parties is not in question, or of any defect or error in the issue of the certificate or licence under the authority of which the same is celebrated; nor shall it be necessary, in support of any such marriage to give any proof of the actual dwelling of either of the parties, previous to the marriage, within the district wherein such marriage was celebrated, or of the consent of any person thereto whose consent is required by law, nor shall any evidence be given to prove the contrary in any suit touching the validity of such marriage.

38. The production of the General Register of Marriages or any District Register of Marriages hereinbefore directed to be kept shall be conclusive evidence of the validity of all marriages entered or registered therein; and no marriage so entered or registered shall be impeached or impeachable in any Court or Courts on the ground of the non-observance of any of the formalities by this Act required to be observed, or upon any other ground or pretence whatever.

39. Any person who shall knowingly and wilfully make any false declaration, or sign any false notice or certificate, for the purpose of procuring any marriage, marriage licence, or Registrar-General’s or District Registrar’s certificate, and any person who when entering a caveat as before mentioned, or forbidding the issue of any such certificate as aforesaid, shall knowingly and wilfully make or sign any false statement, or shall falsely represent himself or herself to be a person whose consent to such marriage is necessary, knowing such statement or representation to be false, shall suffer the penalty of perjury.

40. Every person who shall knowingly and wilfully celebrate any marriage in the said Province in any place other than the building, office, or private house specified in the certificate or licence authorizing such marriage, or after the expiration of three calendar months from the date of such certificate or licence, shall be guilty of misdemeanor.

41. Any Registrar-General, or District 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 hereinbefore provided, or before the expiration of fourteen days after the entry of the notice, or shall issue any certificate the issue of which shall have been forbidden as aforesaid, by any person authorized to forbid the issue thereof, or who shall knowingly and wilfully register any marriage which has been celebrated in deliberate contravention of the provisions of this Act, and every Registrar-General, District Registrar, officiating minister, or officiating
officiating registrar, who shall knowingly and wilfully celebrate any such marriage shall be guilty of felony.

42. Any person duly authorized or required under this Act to issue licences or certificates for, or to celebrate, or be present at the celebration of marriage, who shall knowingly and wilfully, without the written consent of parent or guardian (unless such consent has been dispensed with as hereinbefore provided by Section twenty-five), issue any licence or certificate for, or celebrate or be present at any marriage wherein one or both of the parties has or have not attained the full age of twenty-one years, shall, for every such offence, forfeit and pay a sum not less than Fifty Pounds and not exceeding Five Hundred Pounds.

43. The Registrar-General, District Registrar, officiating minister, or officiating registrar, before whom any marriage is celebrated according to the provisions of this Act, may ask the parties to be married the several particulars touching such marriage required to be entered in the certificate thereof, as hereinbefore provided; and every person who shall wilfully make, or cause to be made, any false statement touching any of the particulars required to be known and entered as aforesaid, shall be subject to the same pains and penalties as if he were guilty of perjury.

44. Every District Registrar, officiating minister, or officiating registrar, who shall neglect or refuse to forward to the Registrar-General and District Registrar the certificate of any marriage celebrated by him, as hereinbefore directed, and every District Registrar who shall refuse, or without reasonable cause omit to register any marriage of which he shall have had due notice as aforesaid, and every person having the custody of any register book, or certified copy thereof, who shall lose or injure the same, or allow the same to be injured whilst in his keeping, shall forfeit and pay a sum not less than Five Pounds and not exceeding Fifty Pounds for every such offence.

45. Every person who shall wilfully destroy or injure, or cause to be destroyed or injured, any register book, or any part or certified copy of any part thereof, or shall falsely make or counterfeit, or cause to be falsely made or counterfeited, any part of any such register book or certified copy thereof, or shall wilfully insert or cause to be inserted, in any register book 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, knowing the same to be false in any part thereof, or shall forge or counterfeit the seal or signature of the Registrar-General or of any District Registrar, shall be guilty of felony.

46. No 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, shall be therefore liable to any of the penalties
penalties aforesaid, if within one calendar month next after the discovery of such an error, in the presence of the parties married, or in the presence of the Registrar-General or District Registrar and of two credible witnesses, who shall respectively attest the same, he shall 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 District Registrar shall thereupon notify the particulars of such correction to the Registrar-General, who shall make a marginal entry of such correction in the general register, affixing his signature and the date of such correction.

47. No prosecution under this Act shall be commenced except within the space of two years after the offence was committed.

48. If any valid marriage shall be had under the provisions of this Act by means of any wilfully false notice, certificate, declaration, or affirmation, made by either party to such marriage as to any matter to which a notice, certificate, declaration, or affirmation is herein required, it shall be lawful for the Attorney-General to sue for a forfeiture of all estate and interest in any property accruing to the offending party by such marriage and the proceedings thereupon, and the consequences thereof shall be similar to the proceedings provided in the like case with regard to marriages celebrated in England by licence before passing of this Act, according to the rites of the Church of England.

49. All proceedings for the recovery of any pecuniary penalty by this Act imposed for any omissions, defaults, acts, or offences shall be had and taken, and may be had and determined in a summary way, by any Special Magistrate or two Justices, under the provisions of an Ordinance of the Governor and Legislative Council, No. 6 of 1850, "To facilitate the performance of the duties of Justices of the Peace out of sessions with respect to summary convictions and orders," or of any Act hereafter to be in force relating to the duties of Justices with respect to summary convictions and orders, and all convictions and orders may be enforced as in the said Ordinance or in any other Act is or shall be provided.

50. There shall be an appeal from any conviction by any Special Magistrate or Justices for any offence against this Act, or from any order dismissing any information or complaint, which appeal shall be to the Local Court of Adelaide of Full Jurisdiction only, and the proceedings on such appeal shall be conducted in manner appointed by the said Ordinance No. 6 of 1850 for appeals to Local Courts, or any Act hereafter to be in force regulating such appeals; but the Local Court of Adelaide aforesaid may make such order as to the payment of the costs of appeal as it shall think fit, although such costs may exceed Ten Pounds.

51. The
51. The Local Court of Adelaide, upon the hearing of any appeal, may state one or more special case or cases for the opinion of the Supreme Court, and the Supreme Court shall hear and decide such special case or cases according to the practice of the Supreme Court on special cases, and the Supreme Court shall make order as to costs of any special case as to the said Court shall appear just; and any two or more Justices, or the Local Court of Adelaide, shall make an order in respect to the matters referred to the Supreme Court, in conformity with the certificate of the said Supreme Court, or of any Judge thereof; which order of the Justices or Local Court shall be enforced in manner provided for the enforcement of orders of Justices, under the said Ordinance No. 6 of 1850, or other Act as aforesaid; and save as herein provided, no order or proceeding of any Special Magistrate or Justices, or of any Local Court, made under the authority of this Act, shall be appealed against or removed by certiorari, or otherwise, into the Supreme Court of the said Province.

52. All moneys received for penalties imposed for offences against this Act, shall be paid to the Treasurer on behalf of Her Majesty, Her heirs, and successors, for the public uses of the said Province, and in support of the Government thereof.

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

D. DALY, Governor.
FIRST SCHEDULE.

<table>
<thead>
<tr>
<th>Date of Ordinance or Act</th>
<th>Title of Ordinance or Act</th>
<th>Extent of Repeal</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 Vict., No. 12</td>
<td>An Act for regulating Marriages in the Province of South Australia</td>
<td>The whole.</td>
</tr>
<tr>
<td>1844, No. 4</td>
<td>An Ordinance to regulate Roman Catholic Marriages in South Australia</td>
<td>The whole.</td>
</tr>
<tr>
<td>1862, No. 18</td>
<td>An Act to amend the Law of Marriage in the Province of South Australia</td>
<td>The whole.</td>
</tr>
<tr>
<td>1862, No. 4</td>
<td>An Act to amend the Acts relating to Marriages in the Province of South Australia by extending certain provisions thereof to persons professing with the Society of Friends called Quakers</td>
<td>The whole.</td>
</tr>
<tr>
<td>1855-6, No. 3</td>
<td>An Act to amend the law relating to Registering of Births, Deaths, and Marriages in the Province of South Australia</td>
<td>So much thereof as relates to marriages and the registration thereof.</td>
</tr>
</tbody>
</table>

SECOND SCHEDULE.

Notice of Marriage.

To the District Registrar of the District of

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)—

<table>
<thead>
<tr>
<th>Name</th>
<th>Condition</th>
<th>Rank or Profession</th>
<th>Age</th>
<th>Dwelling-place</th>
<th>Length of residence</th>
<th>Building, office, or private house where the marriage is to be solemnized</th>
<th>District in which the other party resides, when the parties dwell in different districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>James Smith</td>
<td>Widower</td>
<td>Carpenter</td>
<td>30</td>
<td>10, Hindley street</td>
<td>Twenty-three days</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mary Green</td>
<td>Spinster</td>
<td>Minor</td>
<td>25</td>
<td>Rundle-street</td>
<td>More than a month</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Witness my hand this day of 186.

(Signed) JAMES SMITH.

THIRD SCHEDULE.

Declaration.

I, A.B., of in the Province of South Australia, do solemnly and sincerely declare that, being about to contract marriage with one C.D., of I believe that there is not any impediment of kindred or alliance or other lawful hindrance to the said marriage; and that I, the said A.B., for the space of seven days last have resided and had my abode in the district of and that I the said A.B., and the said C.D., are both above the age of twenty-one years, or that I the said A.B. not being a widower [or widow] am above [or under] the age of twenty-one years, and the said C.D., not being a widow [or widower] is above [or under] the age of twenty-one years; but the written consent of [parents or...
The Marriage Act.—1867.

31st VICTORÆ, No. 15.

[Image 16x0 to 579x842]

or guardian], whose consent to the said marriage is by law required, has been duly obtained, or but there is no person residing in this Province authorized to give consent to such marriage; or but for the reasons here assigned, namely [residence of parent not known, father in Lunatic Asylum, or lives in the Far North, or other sufficient reason] the consent of the person authorized by law to consent to such marriage cannot be obtained [or as the case may be]: And I make this solemn declaration conscientiously believing the same to be true.

(Signed)

A.B.

Declared and subscribed by the above-named A.B., at this day of 18 , before me.

E.F.,

Registrar-General, District Registrar, Officiating Registrar, or Officiating Minister (as the case may be).

I, the above-named C.D., of declare that I conscientiously believe the above declaration to be true, and hereto subscribe my name.

(Signed)

C.D.

Declared and subscribed by the above-named C.D. at this day of 18 , before me.

E.F.,

Registrar-General, District Registrar, Officiating Registrar, or Officiating Minister (as the case may be).

FOURTH SCHEDULE.

District Registrar's Certificate (or Registrar-General's Certificate).

I, A. B., District Registrar of the District of (or Registrar-General) do hereby certify that on the day of notice was duly entered in the marriage notice book of this said District (or at the General Registry Office for Marriages) 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)—

<table>
<thead>
<tr>
<th>Name</th>
<th>Condition</th>
<th>Rank or Profession</th>
<th>Age.</th>
<th>Dwelling-place</th>
<th>Length of residence</th>
<th>Building, office, or private house where the marriage is to be solemnized.</th>
<th>District in which the other party resides, when the parties dwell in different districts.</th>
</tr>
</thead>
<tbody>
<tr>
<td>James Smith</td>
<td>Widower</td>
<td>Carpenter</td>
<td>Of full age</td>
<td>Of full age</td>
<td>Twenty-three days</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mary Green</td>
<td>Spinster</td>
<td>Minor</td>
<td>Rundle-street</td>
<td>More than a month</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

And that James Smith (or Mary Green) made solemn declaration before me, as required by law.

Date of notice entered.

Date of certificate given.

The issue of this certificate has not been forbidden by any person authorized to forbid the issue thereof.

Witness my hand the day of 18 .

(Signed) A.B.,

District Registrar (or Registrar-General).

This certificate will be void unless the marriage is solemnized on or before the day of 18 .

Form of Consent of Parent or Guardian.

I, do hereby give my full consent to the proposed marriage between A.B. and C.D., in virtue of my character as to the said A.B. (or C. D.), who is under the age of twenty-one years, and for whose marriage with my consent is by law required.

(Signed)

This day of 18 .
31° VICTORIÆ, No. 15.

The Marriage Act.—1867.

FIFTH SCHEDULE.
Licence 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, 1867," and are desirous that the same may be speedily celebrated; and whereas you, A. B. (or C. D.), have signed a declaration that you believe there is no impediment of kindred or alliance, or other lawful hindrance to the said marriage; and 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 you, the said A. B. and C. D., are both above the age of twenty-one years [or that you, the said A. B. or C. D., one or both (not being a widower or widow) are under the age of twenty-one years, and that the written consent of the parent or guardian, as by law required, has been obtained to the proposed marriage, or that there is no person in the Province qualified to give such consent, or that for sufficient reasons such consent cannot be had]; I do hereby grant unto you full licence, according to the authority given to me by the above-recited Act, to proceed to the celebration of such marriage: Provided, that the marriage be celebrated by in the presence of two witnesses, within three calendar months from the date hereof, in (place) day of 18 .

Given under my hand this 18.

E. F., Registrar-General, District Registrar, Officiating Registrar, or Officiating Minister (as the case may be.)

SIXTH SCHEDULE.
Certificate of Marriage.

<table>
<thead>
<tr>
<th>No.</th>
<th>Jan. 9</th>
<th>John Proby</th>
<th>31</th>
<th>Bachelor</th>
<th>Farmer</th>
<th>Mitcham</th>
<th>Edward Proby</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Ellen Smith</td>
<td>22</td>
<td>Spinstere</td>
<td></td>
<td></td>
<td>Walter Smith</td>
<td></td>
</tr>
</tbody>
</table>

This marriage was celebrated between us. In the presence of John Proby and Ellen Smith of us, William Gull Shoemaker Goodwood Witnesses: Thomas Parker Farmer Mitcham

The above-named John Proby and Ellen Smith were duly married by or before me, at the time and place above-named, and in the presence of the witnesses whose signatures are above-written. Witness my hand this 18. E. F., Registrar-General, District Registrar, Officiating Registrar, or Officiating Minister (as the case may be.)

Adelaide: By authority, W. C. Cox, Government Printer, North-terrace.