

Holders of valid
licences to
continue to be
pilots.

35. Notwithstanding anything contained in this Ordinance, all persons who, at the time of the coming into operation hereof, hold valid licences as pilots shall lawfully continue to be pilots as if appointed under this Ordinance.

Short title.

36. This Ordinance may be cited as "The Pilot Ordinance, 1902."

MARRIAGE.

Ordinance No. 8 of 1902.

[31st December, 1902.]

Be it enacted by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows :—

1. In this Ordinance—

Definitions

"Registrar-General" shall mean the person holding that office under the Registration Ordinance, No. 12 of 1853.

"Minor" shall mean a person who is under the age of twenty-one years and who is not a widower or a widow.

"Minister" shall mean a minister registered under this Ordinance as a minister for celebrating marriages.

Registrars how
appointed.

2. The Registrar-General may appoint in writing under his hand such Registrars as he may deem necessary for the purposes of this Ordinance, and all appointments so made by the Registrar-General shall be subject to the approval of the Governor and shall be during pleasure only.

Valid
marriages.

3. Every marriage which by the law of England would be valid, and every marriage celebrated in this Colony prior to the passing of this Ordinance by any minister of religion or by a Registrar shall be deemed

a perfectly legal and valid marriage to all intents and purposes :

Provided that nothing herein contained shall legalise any marriage—

(a) Declared or made invalid by any law of the Colony at the time of its celebration.

(b) Declared or made (or which shall hereafter be declared or made) invalid by any competent Court.

4. Every marriage hereafter celebrated by a Registrar in conformity with the provisions of this Ordinance shall be a legal and valid marriage to all intents and purposes, and no other marriages except as hereinafter provided, celebrated in this Colony, shall be valid for any purpose :

Valid marriages.

Provided that no marriage in fact shall be avoided by reason only of the same having been celebrated by a person not being empowered under this Ordinance to celebrate marriages if either of the parties to the marriage shall at the time *bona-fide* have believed that such person officiating was so empowered :

Provided also, that nothing herein shall legalise any marriage which, by reason of relationship or of fraud, or of incapacity to contract marriage, or by the law of England for the time being, would be void.

5. Any person who shall wilfully and knowingly celebrate any marriage contrary to the provisions of this Ordinance or where the provisions of this Ordinance have not been complied with shall be guilty of a misdemeanour and be liable to a fine not exceeding five hundred pounds, either alone or with imprisonment with hard labour not exceeding two years, but such marriage shall not necessarily be invalid or illegal.

Wrongful celebration.

6. Every minister of religion ordinarily officiating as such in this Colony at the time of the passing of this Ordinance shall be deemed to be a minister registered for celebrating marriages, and any minister of religion, or the head of any religious denomination, may apply hereafter to the Colonial

Registered ministers.

Secretary to be registered as a minister for celebrating marriages, and the Governor may grant a certificate of registration under the Seal of the Colony to any person so applying :

Provided that it shall be lawful for the Governor to refuse any application for registration, and also to remove from the register the name of any person, and the Governor shall forthwith report any such refusal or removal to the Secretary of State; and there shall annually be published in the *Gazette* a list of all persons then entitled to celebrate marriages.

Conditions as to
marriages.

7. No person shall solemnise any marriage—

(a) Until a marriage licence has been issued or banns published as hereinafter provided.

(b) After the expiration of three months from the date of the marriage licence or publication of banns.

(c) Save in a place registered for the celebration of marriages or in the office of a Registrar, or in the house of a Justice, or in such place as any special licence shall specify.

(d) Save in the presence of two witnesses who shall sign the certificate of marriage.

(e) In any building with closed doors or before 8 o'clock in the morning or after 6 o'clock in the evening.

8. Anything in this Ordinance to the contrary notwithstanding, a marriage by Governor's special licence may be celebrated by a minister or a Registrar at any time and in any place therein stated, and such special licence may be issued at any time after the declaration prescribed by Section 12 has been made :

Provided that, if any caveat or protest against the issue of a marriage licence stating the ground of objection has been presented by any person to the Governor against the grant of any such licence, which caveat or protest shall be signed by himself or by the person on whose behalf he presents the same, no such licence shall issue until the Chief Justice

shall have inquired into and determined the case in a summary way.

9. Christ Church Cathedral, the Roman Catholic Church and the Baptist Tabernacle, all situate in Stanley, shall be deemed to be places registered for celebrating marriages, and it shall be lawful for the Governor to grant under the Seal of the Colony a certificate of registration in relation to any other place hereafter commonly used for religious purposes.

Places registered for the celebration of marriages.

10. Any minister may at any time within three months after the declaration hereinafter required has been made and signed and the banns have been published on three consecutive Sundays, or the Registrar-General has issued his licence as in Form 2 in the First Schedule hereto, or the Governor has issued a special licence, solemnise a marriage between the parties named in such declaration and in accordance with the provisions of this Ordinance :

How, when, and where a marriage may be solemnised by minister.

Provided that—

(a) A marriage by banns shall be solemnised in a place registered for celebrating marriages.

(b) A marriage by licence other than the Governor's special licence shall be solemnised in a place registered for celebrating marriages, or in the house of a Justice.

11. A Registrar may, at any time within three months from the date of the issue of the licence by the Registrar-General, solemnise a marriage in his office between the parties named in such licence.

Marriage by Registrar.

12. One of the parties to the intended marriage shall make and sign before a Registrar or a Justice a solemn declaration as in Form 1 in the First Schedule hereto.

Declaration of intended marriage.

13. The Registrar-General shall, upon receiving or taking any such declaration, post the same in his office for twenty-one days, and such declaration shall constitute a notice of an intended marriage, and shall be open, without fee, during office hours, for inspection by any person.

Notice of marriage to be publicly posted.

Marriage
licence.

14. At any time, but not less than twenty-one days nor more than three months after the posting of the notice of marriage as aforesaid, a marriage licence may be issued by the Registrar-General as in Form 2 in the First Schedule hereto, and upon the issue of such licence he shall file the notice of marriage in his office.

Consent of
parents, etc., in
case of minors.

15. The father, if living, of any minor or, if the father be dead, the guardian of such minor, or, in case there shall be no guardian, the person who shall be authorised in that behalf by the Chief Justice, shall have authority to give consent to the marriage of a minor, and the Registrar-General shall not enter any notice of marriage, when either party is a minor, without such consent having been first obtained :

Provided that either of the parties intending marriage may petition the Supreme Court to inquire into the grounds upon which the consent was refused, and such petition shall be dealt with as provided in Section 17.

Forbidding
marriages.

16. Any person may enter a caveat against the issue of a marriage licence by writing upon the notice of marriage the word "forbidden" and signing his name :

Provided that at the same time he serves upon the Registrar-General a notice in writing stating the grounds of objection to the intended marriage, which notice shall be signed by himself or by the person on whose behalf he presents the same; and no marriage licence shall in any such case be issued without the consent in writing of the Chief Justice.

Caveat and
inquiry.

17. When a petition with reference to a refusal to give consent to a marriage has been made, or when a caveat against the issue of a marriage licence has been entered, the Chief Justice shall inquire into and determine the case in a summary manner, and the Registrar-General shall proceed in accordance with the decision of the Supreme Court, anything hereinbefore contained notwithstanding.

Frivolous
caveat.

18. Any person who shall enter a caveat against the issue of a licence, on grounds which the Chief Justice shall declare to be frivolous, shall be liable

for the cost of the proceedings and for damages to be recovered in a special action on the case by either of the persons against whose marriage such caveat shall have been entered.

19. In every case of solemnisation of marriage each of the parties shall, in some part of or immediately before the ceremony, and in the presence of the officiating Minister or Registrar and of the witnesses, say to the other—

Form of words
at marriage.

"I take thee to be my wedded [wife or husband]."

20. The person celebrating a marriage, the parties thereto and the two witnesses of such marriage shall sign in triplicate a certificate as in Form 3 in the First Schedule hereto, and one copy of such certificate shall be forthwith transmitted to the Registrar-General in Stanley, one copy shall be given to the husband and one shall be recorded in a book by the person celebrating the marriage.

Certificates.

The certificates shall be numbered consecutively, and all certificates referring to one marriage shall have the same number.

21. The Registrar-General shall forthwith cause every certificate of marriage to be entered into the marriage register book, and certify the accuracy of the entry and file and index the certificate of marriage.

Marriages to be
registered.

22. No marriage shall be deemed to have been unduly celebrated by reason only of any mere defect or error in the declaration made respecting the same, where the identity of the parties to the marriage shall not be in question. Nor shall it be necessary, in support of any marriage, to give proof of the consent of any person whose consent thereto is required by law, nor shall any evidence be given to prove the contrary in any suit touching the validity of such marriage.

Defects.

23. A copy of the certificate of any marriage registered by a minister or a Registrar under his hand shall be deemed *prima facie* evidence in all

Proof of
marriage.

proceedings of the fact of such marriage having been duly celebrated, until the contrary is shown.

Faise
declaration.

24. Any person who shall knowingly and wilfully make any false declaration, or sign any false notice or certificate required by this Ordinance, for the purpose of procuring any marriage, and any person who shall forbid the issue of any certificate by representing himself to be a person whose consent to such marriage is required by law, knowing such representation to be false, shall be guilty of a misdemeanour; and the forfeiture of all estate or interest in any property accruing to any person procuring a marriage by means of any such false declaration, notice or certificate may be sued for by any person duly appointed for that purpose by the Governor, and the proceedings thereon and consequences thereof shall be the same as are provided in the like case by the law of England.

Registration
Ordinance, 1853
incorporated.

25. The provisions and penalties of the Registration Ordinance, 1853, so far as the same are applicable to the registration of marriages and to the issue of marriage licences and certificates and certified copies thereof, shall be deemed and taken to be a part of this Ordinance as fully and effectually as if incorporated herein.

Neglect.

26. Any person who shall offend against or fail to comply with any of the provisions of this Ordinance, for the breach of which no penalty is provided, shall be liable on summary conviction to a penalty not exceeding fifty pounds.

Fees.

27. The fees specified in the Second Schedule hereto shall be levied and collected for the services therein specified, and every minister of religion shall allow any register in his custody to be searched and shall grant a certified copy of any marriage certificate upon payment to him of the fees therein set forth.

Short title.

28. This Ordinance may be cited as "The Marriage Ordinance, 1902."

FIRST SCHEDULE.

FORM 1. (Section 12.)

NOTICE OF MARRIAGE.

| No. | Christian and Surnames in full. | "Under" or "above" the age of 21. | Condition: Bachelor, Spinster, Widower or Widow. | Rank or Profession | Residence. | Father's Christian and Surnames in full. (If either party be under the age of 21, the father or guardian must write here "I Consent" and sign his name). | Father's Profession |
|-----|---------------------------------|-----------------------------------|--|--------------------|------------|--|---------------------|
| | | | | | | | |

I do solemnly and sincerely declare that I believe the foregoing particulars to be true in every respect and that there is no impediment or lawful objection by reason of any kindred, relationship, or alliance or any former marriage or want of consent of parents or guardians or any other lawful cause to the marriage of the parties above named.

Signed and declared to before me by _____
Signature _____
this _____ day of _____ 19____, at _____
Signature _____ Registrar or J.P.

I certify that the above declaration was duly received by me on the _____ day of _____ 19____.
Signature _____ Registrar-General.

N.B.—If marriage is to be in Camp or by Special Licence say where.

FORM 2. (Section 14.)

MARRIAGE LICENCE.

I hereby certify that the persons named and described below have given notice of their intended marriage and made the declaration required by law and that I know of no lawful objection to the proposed marriage: These are therefore to license any registered minister of religion or any Registrar to marry the said persons according to the provisions of the Marriage Ordinance, 1902, on any day before the _____ day of _____ 19____.

| Christian and Surnames in full. | "Under" or "above" the age of 21. | Condition: Bachelor, Spinster, Widower or Widow. | Rank or Profession. | Residence. | Father's Christian and Surnames in full. | Father's Profession. |
|---------------------------------|-----------------------------------|--|---------------------|------------|--|----------------------|
| | | | | | | |

Date _____

Registrar-General.

FALKLAND ISLANDS.

No. _____ in Registrar-General's Office.

FORM 3. (Section 20.)

MARRIAGE CERTIFICATE.

| No. | When Married. | Christian and Surnames in full. | "Under" or "above" the age of 21. | Condition. | Rank or Profession and Country. | Father's Christian and Surnames in full. | Father's Rank or Profession. | Where Married. |
|-----|---------------|---------------------------------|-----------------------------------|------------|---------------------------------|--|------------------------------|----------------|
| | | | | | | | | |

This Marriage was solemnised between us

In the presence of us

Witness.

Witness.

Married by me

Signature _____

Title _____

Three copies of this Certificate shall be signed by all the parties: One shall be given to the Bridegroom, one sent to the Registrar-General, and one entered in the book kept by the person solemnising the Marriage.

SECOND SCHEDULE.

TABLE OF FEES.

| To whom payable. | For what Duty. | Amount. |
|------------------|--|---------|
| | | £ s. d. |
| The Governor | Special Licence (section 8) | 3 0 0 |
| The Minister | Marriage by Governor's Licence | 2 0 0 |
| The Clerk ... | The same... .. | 0 10 0 |
| The Minister | Marriage after banns or on Registrar-General's Licence | 0 10 0 |
| The Clerk ... | The same... .. | 0 5 0 |
| The Minister | Publication of banns of marriage | 0 2 6 |
| Do. | Who performs a marriage elsewhere than in Stanley for travelling expenses for every mile beyond Stanley | 0 3 6 |
| The Treasury | Entry of notice of marriage (section 12) | 0 2 6 |
| Do. | Registrar-General's Licence (section 14) | 0 5 0 |
| Do. | Entering caveat (section 16) | 0 5 0 |
| The Registrar | Marriage by Registrar | 0 10 0 |
| The Treasury | Copy of registry of marriage certified by Registrar-General | 0 2 6 |
| Do. | Searching the Marriage Register Books: each name within ten years | 0 1 0 |
| Do. | Every year beyond in addition... .. | 0 0 6 |
| The Minister | Copy certified by Minister of entry in registry kept by Minister | 0 2 6 |