

CHAPTER 95.

CHRISTIAN MARRIAGE.

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SCHEDULES.

CHAPTER 95.

CHRISTIAN MARRIAGE.

**An Ordinance to Consolidate and Amend the Law Regulating
Christian Marriages in the Colony and Protectorate of
Sierra Leone.**

22 of 1906.
Sec. 30 of No.
12 of 1924.
Sec. 24 of No.
44 of 1924.
17 of 1926.

[1ST APRIL, 1907.]

1. This Ordinance may be cited as the Christian Marriage Ordinance, and shall apply to the Colony and Protectorate.

Short title.

2. In this Ordinance the expression "Registrar General" shall include Deputy Registrar.

Interpretation.

3. Persons desiring to be married according to the forms and ceremonies of a Christian denomination shall either cause banns of marriage to be published, or obtain a licence in the manner and form hereinafter provided:

Marriage by banns or licence.

Provided that if one or both parties to such marriage is a native or are natives the marriage shall only take place after publication of banns.

4. One of the parties to an intended marriage after banns shall, two days at least before the date of the first publication thereof, deliver or cause to be delivered to the minister ordinarily officiating at the place of worship where such publication is to be made a notice of the full names of the parties to the intended marriage, and a description of their respective places of abode.

Notice of banns.

5. (1) Banns of marriage shall be published in a public place of worship in the town or place where the parties to the intended marriage have resided for at least fifteen days before the first date of such publication, or if the parties have so resided in different towns or places, then in a public place of worship in each of the respective towns or places wherein they have resided,

Publication of banns.

or if the parties are of different religious persuasions, then in each of the public places of worship of such religious persuasions usually attended by the party, whether the same be situate in the same town or place or not.

On three
Sundays.

(2) Such publication shall be made in an audible voice by a minister entitled to officiate in such place of worship in the face of the congregation some time during divine service in the morning, or, if there be no service in the morning, then during such service in the evening, and such publication shall be made on three successive Sundays, or, if there be no such service on three successive Sundays, such publication shall be made on three Sundays following each other on which such services are held.

Notice of
publication.

(3) Immediately after the first publication of banns, the minister by whom such publication is made shall affix or cause to be affixed inside or outside the place of worship a copy of the notice of banns.

Every such copy shall be so affixed as to be conspicuous and also be protected from damage by the weather or other cause.

Certificate of
banns.

(4) The minister who has published the banns as aforesaid shall, on the application of either party, give a certificate of such publication and that no lawful impediment was alleged.

Licence.

6. (1) It shall be lawful for the Registrar General in the Freetown Police District, for the District Commissioners in the Sherbro Judicial District and the Headquarters Judicial District and for the District Commissioners in the Protectorate to grant licences for marriages without the publication of banns; such licence shall be according to the form in Schedule A hereto, with such additions and variations as may be necessary in each particular case:

Provided that such licences shall not be granted by any of the Commissioners aforesaid, save with respect to marriages intended to be celebrated in their respective districts, and shall not be granted when either or each party is a native.

Affidavit of
no impedi-
ment.
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Wm. IV.,
c. 62.

(2) Before any such licence shall be granted, one of the two parties to the intended marriage shall appear personally and make a statutory declaration that he or she believes that there is no impediment of consanguinity or affinity or other lawful hindrance to the said marriage, and when either of the parties not being a widower or widow shall be under the age of twenty-one years, that the consent of the person or persons whose consent to such marriage is required by law has been obtained, or that there is no person having authority to give such consent, as the case may be.

7. No marriage may be celebrated under the provisions of this Ordinance— Impediments.

(1) between persons who are related within the prohibited degrees of consanguinity or affinity according to the law of England; Prohibited degrees.

(2) between persons of whom each or either not being a widow or widower is under the age of twenty-one years, unless the consent of the father, or if he should be dead or unable for any reason to give such consent, then, of the mother, or if both parents be dead or unable for any reason to give such consent, then of the guardian or guardians, if any, of such person, or of a Judge of the Supreme Court or District Commissioner under section 8 hereof, be first obtained; Persons under age.

(3) between persons either of whom is already married to some person other than a party to the intended marriage. Previous marriage.

Any person knowing of any lawful impediment or hindrance to an intended marriage may inform the minister by whom any banns are published or who is about to celebrate any marriage under this Ordinance, or the Commissioner of Police or the District Commissioner of the District wherein such marriage is intended to be celebrated. Alleging impediment.

8. When the consent of any parent or guardian is required by this Ordinance to an intended marriage, and there is no parent or guardian, or such parent or guardian is incapable of giving such consent, or unreasonably withholds such consent, the same may be given by writing under the hand of a Judge of the Supreme Court: Consent of Judge.

Provided that if the marriage is intended to take place in any district of the Colony, other than the Police District of Free-town, such consent may also be given by the District Commissioner of the district where the marriage is to take place, and if the marriage is intended to take place in the Protectorate, such consent may be given by the District Commissioner of the district in which the marriage is intended to take place: Consent of Commissioner.

Provided further that such consent shall not be given unless the Judge or District Commissioner as aforesaid is satisfied that the intended marriage is a proper one, and the Judge and District Commissioners aforesaid are hereby empowered to examine persons on oath or demand sworn declaration with respect to any matter connected with such intended marriage. Power to examine on oath.

Celebration of marriage within three months of banns or date of licence.

9. When the parties to an intended marriage have satisfied the requirements of section 4 hereof, it shall be lawful for a minister of a Christian denomination who knows of no lawful impediment to such marriage to celebrate the same according to the forms and ceremonies of the said denomination in any public place of worship belonging to the said denomination on any day within three months of the date of the last publication of banns or of the date of the licence, and between the hours of eight in the forenoon and three in the afternoon.

Marriage when invalid.

10. No marriage celebrated in a public place of worship of a Christian denomination shall be valid—

Without banns or licence.

(a) unless the parties thereto have caused banns of marriage to be duly published as hereinbefore provided or have obtained a licence; or

Impediment.

(b) if there exists any such impediment thereto as is mentioned in sub-sections (1) and (3) of section 7; or

False names.

(c) if celebrated under a false name or false names with the knowledge of both parties; or

Not in presence of two witnesses.

(d) unless celebrated in the presence of at least two witnesses.

Save as aforesaid every marriage celebrated under the provisions of this Ordinance shall be valid until it be lawfully dissolved.

Registration.

11. (1) In respect of every place of worship wherein marriages under this Ordinance may be lawfully celebrated, there shall be kept by the minister in charge a marriage register book. Such books shall be in the form prescribed from time to time by the Governor, and shall be numbered counterfoil books.

(2) Immediately after the celebration of every marriage, the officiating minister shall register consecutively in such book the prescribed particulars relating to such marriage, and shall also register the same on the counterfoil. The register and the counterfoil shall be signed by the minister, the parties and the two witnesses. For the purpose of making the entries aforesaid, it shall be lawful for the minister to ask of the parties information as to the prescribed particulars, and the parties are hereby required to supply the minister with the required information.

(3) The minister shall forward the counterfoil aforesaid, duly filled in and signed as aforesaid, to the Registrar General. The counterfoil aforesaid shall be forwarded as aforesaid with all reasonable despatch, and if sent by post shall be registered free of cost.