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## PART VI.

### BILLS OF THE GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 19th March 1872, and was referred to a Select Committee, with instructions to make their report thereon in two months:—

#### Bill No. 6 of 1872.

*A Bill to consolidate and amend the law relating to the admission of appeals to Her Majesty in Council from judgments and orders of the Civil Courts.*

WHEREAS it is expedient to consolidate and amend the law by which the admission of appeals to Her Majesty in Council from certain judgments and orders of the Civil Courts throughout British India is regulated; it is hereby enacted as follows:—

1. This Act shall be called "The Privy Council's Appeals Act, 1872."

Short title.

It extends to the whole of British India, but shall not apply to suits tried by a High Court in any of the Presidency Towns in the exercise of its ordinary original jurisdiction;

Extent.

and shall come into force on the passing thereof.

Commencement.

2. The several enactments specified in the schedule hereto annexed are repealed to the extent mentioned in the third column thereof.

Repeal of enactments.

3. If any person desires to prefer an appeal to Her Majesty in Council

from any final judgment, decree, or order made on appeal or revision by any High Court or other Court of final appellate jurisdiction in India under the law for the time being in force relating to appeals,

or from any final judgment, decree, or order made by a High Court in the exercise of its original jurisdiction, in any suit in which the amount or value of the subject-matter in dispute exceeds ten thousand rupees, or such amount as may be fixed as the limit for such appeals from time to time by the orders of Her Majesty in Council,

or in which such judgment, decree, or order involves directly or indirectly any claim, demand, or question to or respecting property the amount or value of which is not less than ten thousand rupees, or such other amount as aforesaid,

or from any other final judgment, decree, or order made either on appeal or otherwise when the High Court declares that the case is a fit one for appeal to Her Majesty in Council,

and the application for the admission of the appeal is presented within six months from the date of the judgment, decree, or order appealed from,

the Court shall admit such appeal subject to such rules and orders as may be made from time to time by Her Majesty in Council in regard to the disposal of such appeals.

4. When the High Court or other Court as aforesaid has admitted any such appeal as is mentioned in the last preceding section, it shall forthwith cause notice of such appeal having been made to be given to the opposite party in the suit to which the appeal relates.

5. If application be made to that effect, the Court may direct enforcement of judgment appealed against, or stay injunction pending result of appeal.

Court may either direct the judgment or order against which an appeal has been preferred to be enforced, sufficient security being taken for the performance of such decree or order as Her Majesty in Council may make on the appeal; or it may direct, on like security being given, that no injunction for the enforcement of the judgment or order shall be issued pending the result of the appeal, or that if any such injunction has been issued, its execution shall, so far as may be practicable, be suspended.

6. In either case, the Court shall require the appellant to give security for the payment of such costs as it may think likely to be incurred by the appeal, within such period, not exceeding six months from the date of the judgment or order appealed from, as to it may seem fit.

7. Any person who desires to prefer an appeal to Her Majesty in either of the cases hereinbefore mentioned, may present a petition to the High Court or other Court as aforesaid for the purpose of obtaining security from the opposite party for staying execution of the judgment, decree, or order against which he is about to appeal, within six months from the date of such judgment, decree, or order.

8. If at any time during the pendency of such appeal the security taken is from any cause shown to be inadequate, the Court which has admitted

such appeal may, on the application of the opposite party, require further security; and may, in default of such further security being given, if the original security was furnished by the appellant, enforce

the judgment, decree, or order against which an appeal has been made as if no such security had been given; if the original security was given by the respondent, the Court shall, so far as may be practicable, compel him to deliver the property to which the appeal relates, and such property shall be dealt with according to the rules in force applicable to such case.

9. In every appeal under this Act, the Court shall certify and transmit to Her Majesty in Council under the seal of the Court two correct copies of all evidence, proceedings, judgments, decrees, and orders taken, held, or made in the suit or case appealed, so far as the same are relevant to the matters of appeal, together with a copy of the reasons recorded by such Court for or against the judgment, decree, or order against which the appeal has been preferred. The expense of preparing the said copies, and of translating so much of the original documents as are not in that language, shall be defrayed by the party prosecuting the appeal; and the amount required to cover such expense shall be deposited by the appellant within the period allowed for furnishing security for the costs of the appeal;

Until such deposit is made, the appeal shall not be admitted.

Deposit of costs by appellant.

No appeal until deposit made.

10. The orders or decrees of Her Majesty in Council when duly certified shall be enforced and executed subject to the directions of the High Court or other Court as aforesaid, by the Judge by whom the suit was originally tried in the manner and according to the rules and laws applicable to the execution of original orders or decrees made by such Judge.

11. Any person who desires to enforce or obtain the execution of any such decree or order made in appeal as aforesaid, shall present a petition to the Court which made the first decree or order appealed from, and the said petition shall be accompanied by a certified copy of the decree or order made in appeal and sought to be enforced or executed.

12. An appeal shall lie from any decree or order made by such last mentioned Court relating to the enforcement or execution of any such decree or order made in appeal as hereinbefore mentioned, in the same manner and subject to the same rules as an appeal from a decree or order made upon a petition for the enforcement or execution of the decree or order first appealed from.

### SCHEDULE.

#### ENACTMENTS REPEALED.

Number and year of enactment.	TITLE.	Extent of repeal.
Bengal Regulation XVI. of 1797.	A Regulation respecting Appeals from the Court of Sudder Dewanny Adawlut to His Most Excellent Majesty and His Most Honourable Privy Council.	The whole.
„ V. of 1803.	A Regulation for empowering the Sudder Dewanny Adawlut to try Appeals from the Decisions of the Provincial Court of Appeal established in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company; and for extending the Jurisdiction of the Sudder Dewanny Adawlut over the said Provinces, and all the Civil Courts established therein.	The whole.
Madras Regulation VIII. of 1818.	A Regulation prescribing the Rules under which Appeals may be preferred to the King's Most Excellent Majesty in His Privy Council, from the Decisions of the Court of Sudder Adawlut at Fort Saint George.	The whole.
Bombay Regulation IV. of 1827.	A Regulation prescribing the Forms of Proceeding of the Courts of Law in Civil Suits and Appeals, and Rules for the Trial of the same.	Section 100.
Act II. of 1844 . . . .	An Act respecting the expenses of preparing Copies of Proceedings in Appeals.	The whole.
Act XXV. of 1852 ..	An Act for the execution of decrees made in appeal by Her Majesty in Council, or by the Courts of Sudder Dewanny Adawlut and of the Zillah and City Judges in the Presidency of Fort William in Bengal.	So much as is not repealed.
Act II. of 1863 . . . .	An Act to regulate the admission of Appeals to Her Majesty in Council from certain Judgments and Orders in Provinces not subject to the General Regulations.	The whole.

## STATEMENT OF OBJECTS AND REASONS.

The law relating to the admission and transmission of appeals from the judgments and orders of the Civil Courts in India to Her Majesty in Council is distributed over the following enactments, namely—

Bengal Regulation XVI. of 1797 and Regulation V. of 1803..	} In force in the Regulation Territories.
Madras Regulation VIII. of 1818 .....	
Bombay Regulation IV. of 1827, Section 100 .....	
Act II. of 1844 .....	
Act XXV. of 1852.....	
And Act II. of 1863 .....	} In force in the Non-Regulation Provinces.

The chief object of the Bill is to reduce into one Act the provisions of these several enactments, with such alterations of a purely verbal character or of arrangement as are incidental to the work of consolidation.

In consequence of the recent alteration of the law relating to appeals in Oudh—an alteration which is likely to be extended soon to British Burmah—it has become necessary also to provide for the admission of appeals from the decrees and orders of Courts of final jurisdiction under the law for the time being in force relating to appeals, as the existing rules of procedure in respect of the admission of appeals to the Privy Council apply only to appeals from the decrees or orders of the Courts of highest civil jurisdiction.

(Signed) F. R. COCKERELL.

The 8th March 1872.

H. S. CUNNINGHAM,

*Officiating Secretary to the Council of the  
Governor General for making Laws and Regulations.*

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The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations, on the 19th March 1872, and was referred to a Select Committee with instructions to make their report thereon in two months :—

**Bill No. 7 of 1872.**

*A Bill to consolidate and amend the Law relating to the Redemption and Foreclosure of Mortgages.*

WHEREAS it is expedient to consolidate and amend the law relating to the redemption and foreclosure of mortgages in the territories in which the Bengal Regulations are directly or indirectly in force; It is hereby enacted as follows :—

1. This Act may be called "The Mortgage Procedure Act, 1872;"

Short title.

It extends to the territories subject to the control of the Lieutenant-Governors of Bengal, the North-Western Provinces, and the Panjáb, respectively, and to Oudh and the Central Provinces; and it shall come into force on the passing thereof.

Extent.

Commencement.

2. The enactments mentioned in the schedule hereto annexed are repealed to the extent specified in the third column thereof.

Enactments repealed.

3. Any person who has, by conditional sale or otherwise, mortgaged any landed property, and is desirous of redeeming the same, may deposit the amount due on account of principal and interest (if any) in respect of such mortgage in the chief Civil Court of the district in which the mortgaged land is situated, at any time within one year from the latest date fixed for the repayment of the loan.

The Court shall receive such deposit and cause a written notice of the same to be delivered to the mortgagee.

Notice of deposit to mortgagee.

to the mortgagor the right of redeeming his property, and if the land is in the possession of the mortgagee, the mortgagor shall be entitled to recover possession subject to such adjustment of accounts as may be required under the terms of the mortgage.

The deposit so made shall be deemed to preserve to the mortgagor the right of redeeming his property, and if the land is in the possession of the mortgagee, the mortgagor shall be entitled to recover possession subject to such adjustment of accounts as may be required under the terms of the mortgage.

Effect of deposit.

4. When any person in whose favour a deed of mortgage and conditional sale of landed property has been executed is desirous of foreclosing the mortgage and rendering the sale absolute, he may, on or after the expiration of the period stipulated for the repayment of the consideration for which the mortgage was executed, institute a suit in any Court of competent jurisdiction for the foreclosure of the mortgage.

5. If the Court makes a decree of foreclosure in such suit, the foreclosure shall be conditional on the non-payment by the mortgagor of such amount as the Court finds to be due by him to the mortgagee, within one year from the date on which the mortgagor received notice of the institution of the suit.

Condition to attach to decree for foreclosure.

STATEMENT OF OBJECTS AND REASONS.

The procedure relating to the preservation of the right of redemption of mortgaged property and to foreclosure in force in the Bengal Presidency is prescribed by the Bengal Regulations I. of 1798, XXXIV. of 1803, and XVII. of 1806.

The object of the proposed legislation is (1st) to consolidate the law by which this procedure is regulated; and, (2nd) to amend the procedure by assimilating it in a certain measure to the English law on this subject.

(Signed) F. R. COCKERELL.

The 18th March 1872.

H. S. CUNNINGHAM,

Officiating Secretary to the Council of the Governor General for making Laws and Regulations.

The following Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 5th March 1872 :—

We, the undersigned, the Members of the Select Committee of the Council of the Governor General of India for the purpose of making Laws and Regulations, to which the Bill to amend Act XII. of 1870 (the Native Passenger Ships Act) was referred, have the honour to report that we have considered the Bill and the papers noted in the margin, and beg to recommend the following alterations :—

Petition from certain Muhammadans of Calcutta and its suburbs, dated 9th November 1870.  
 Memorial from certain ship-owners of Bombay.  
 Opinion of the Advocate General, Bengal, dated 12th November 1870.  
 Endorsement, Department of Agriculture, Revenue, and Commerce, No. 34, dated 14th July 1871, forwarding telegrams from Home Department, Nos. 5095 and 5124, dated 23rd and 22nd November 1870.  
 From Officiating Secretary to Government, Home Department, No. 5615, dated 20th December 1870.  
 From Advocate General, Calcutta, dated 9th January 1871.  
 Circular from Home Department, Nos. 733 to 736, dated 7th January 1871.  
 From Acting Chief Secretary to Government, Madras, No. 113, dated 19th April 1871, and enclosures.  
 From Chief Secretary to Government, Bombay, No. 1541, dated 13th June 1871, and enclosure.  
 From Officiating Under Secretary to Government, Bengal, No. 612, dated 28th February 1871, and enclosures.  
 From Secretary to Chief Commissioner, British Burmah, No. 540-6, dated 27th February 1871.  
 Note by Honourable F. S. Chapman, dated 5th December 1871.  
 From Secretary to Government, Madras, No. 177, dated 18th December 1871, and enclosures.  
 From Secretary to Government, Madras, No. 2, dated 5th January 1872.  
 From Secretary to Government, Bengal, No. 163, dated 13th January 1872, and enclosures.  
 Demi-official letter from Honourable F. S. Chapman, dated 10th January 1872, forwarding Resolution of the Government of Bombay (General Department), No. 52, dated 15th January 1872, and enclosures.  
 From Secretary to Government, Bengal, No. 234, dated 18th January 1872, and enclosure.  
 From Acting Chief Secretary to Government, Bombay, No. 421, dated 26th January 1872, and enclosures.  
 Telegram from Chief Secretary to Government, Bombay, No. 425, dated 26th January 1872.  
 From Secretary to Government, Bombay, No. 771, dated 15th February 1872, forwarding letter from Chamber of Commerce, dated 7th February 1872.

2. We consider that the scope of Chapter. II. of the Bill might, with advantage, be enlarged so as to include—

1st, all sea-going vessels, without distinction, except ships-of-war or transports ;

2nd, all sea-going vessels which may depart from any port or place in British India, or in the dominions of Princes and States in India in alliance with Her Majesty, to any port or place whatever, whether in the Red Sea or elsewhere, and whether owned by or commanded by Native Indian subjects of Her Majesty or by others.

3. We propose to alter the definition of " Native Passenger Ships " so as to mean vessels carrying more than sixty Native passengers, and to provide that servants in attendance on their masters are not to be counted as Native passengers. By this alteration we consider we shall meet any objection which the Peninsular and Oriental, the British India, and other large and well regulated Steam Navigation Companies, might otherwise reasonably offer to being brought under the provisions of the Act.

4. We propose that the quantity of stored water shall not, even when the vessel is provided with a serviceable condenser, be less than at the rate of four gallons per head per week.

5. With a view to the case of ships owned by persons other than British subjects, we have provided that, when a Convention between the Indian and Turkish Governments has been entered into, to the effect that all Masters of Native Passenger Ships leaving a Turkish for an Indian port shall execute a bond binding them to touch at Aden and get a clean bill of health from that place, the Master of any such vessel arriving without such clean bill of health shall be liable forthwith to pay the full penalty of the bond.

6. We recommend that the Bill as thus amended be passed.

F. S. CHAPMAN.

J. F. STEPHEN.

R. STEWART.

J. R. BULLEN SMITH.

F. R. COCKERELL.

The 5th March 1872.

*A Bill to Amend Act XII. of 1870 (the Native Passenger Ships Act).*

WHEREAS it is expedient to amend Act XII. of 1870 (the Native Passenger Ships Act); It is hereby enacted as follows:—

1. Instead of Section Amendment of Sec. 2. two of the said Act the Act XII. of 1870. following shall be read:

“2. This Act extends to British India and applies also to all subjects of Her Majesty within the dominions of Princes and States in alliance with Her Majesty, and to all Native Indian subjects of Her Majesty without and beyond British India.

“Nothing in this Act applies to any Ship-of-War or Transport belonging to or in the service of Her Majesty, or to any Ship-of-War belonging to any Foreign Prince or State, or to any ship under contract with the Government of any European State.”

2. Instead of the last paragraph of Section four of the said Act the following shall be read:

“The words ‘Native Passenger Ship’ mean a vessel, whether sailing or steam, carrying more than sixty passengers, being natives of Asia or Africa; provided that no person in attendance upon another person other than a native of India shall be deemed a passenger for the purposes of this Section.”

3. After Section twelve of the said Act, the following proviso shall be added:

“Provided that, in the case of Steam Ships, the officer aforesaid may, if under the circumstances of the case he thinks fit, reduce the space to be appropriated to passengers in the between-decks under the requirements of this Section, to a space containing at the least nine superficial and fifty-four cubical feet of space for every adult passenger on board.”

4. After Section twenty-one of the said Act the following proviso shall be added:

“Provided also that, in the case of Steam Ships provided with a condenser, the officer authorised in that behalf may, if under the circumstances of the case he thinks fit, reduce the amount of water to be provided under the requirements of this Section to an amount not less than four gallons to every week of the declared duration of the voyage for every passenger on board.”

5. After Section twenty-six of the said Act Addition after Section 26. the following shall be read:—

26A. Whenever a Convention shall have been entered into between the Governor General of India in Council and the Turkish Government that every Master of a Native Passenger Ship leaving a Turkish port or place and bound for any port or place in British India, whether it be owned by a subject of Her Majesty or not, shall execute a bond binding him in a penalty to touch at Aden, and not to proceed thence without a clean bill of health obtained in the manner provided in Section twenty-five, any Master of any such ship, whether he be a subject of Her Majesty or not, who shall come into any port or place in British India without such clean bill of health, may be taken by the officer in charge of such port or place before any Magistrate having local jurisdiction, and on proof that such Master has come from a Turkish port or place such Magistrate shall presume that such bond was duly executed by such Master, and in default of production of such clean bill of health, shall presume that the penalty mentioned in such bond has been incurred, and may award the full amount or any part of such penalty against such Master, and, in default of payment of such penalty, may recover it as though it were a fine imposed under this Act.

Act to be read as part of Act XII. of 1870. 6. This Act shall be read as part of Act XII. of 1870.

H. S. CUNNINGHAM,

*Officiating Secretary to the Council of the Governor General for making Laws and Regulations.*

The following Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 19th March 1872:—

We, the undersigned, the Members of the Select Committee of the Council of the Governor General

Office Memorandum, Home Department, No. 316, dated 16th June 1868, forwarding Circular from Home Department, Nos. 307-316, dated 21st July 1865, with replies.

Endorsement, Home Department, No. 476, dated 21st November 1870, forwarding letter from President and Secretary, Bengal Christian Association, dated 20th October 1870, and enclosure.

Office Memorandum, Foreign Department, No. 636G, dated 8th April 1870, forwarding letter from Governor General's Agent, Rájputána, No. 309G, dated 19th March 1870, and enclosure.

Endorsement, Home Department, No. 5595P, dated 20th December 1871, forwarding letter from President and Sub-Committee of Bengal Christian Association, dated 25th November 1871.

From Reverend James Ross, dated 27th December 1871, forwarding memorial from Ministers of Religion, Calcutta.

„ President, Bengal Christian Association, dated 11th January 1872.

„ Chief Commissioner, Oudh, No. 238, dated 13th January 1872, and enclosures.

„ Reverend C. E. Vines, Agra, dated 8th January 1872.

„ „ H. Stern, Gorakpúr, dated 18th January 1872.

„ Secretary to Chief Commissioner, Central Provinces, No. 310, dated 30th January 1872.

„ Officiating Second Assistant Resident, Haidarábád, No. 3, dated 3rd February 1872.

„ Reverend T. P. Hughes, Pesháwar, dated 2nd February 1872.

„ Secretary to Chief Commissioner, Mysore, No. 2433 J, dated 9th February 1872, and enclosure.

„ Reverend C. B. Leupolt, Benares, dated 13th February 1872.

„ Secretary to Government, North-Western Provinces, No. 661A, dated 1st March 1872, and enclosures.

„ Secretary to Government, Bengal, No. 749, dated 29th February 1872, and enclosures.

„ C. Sanderson, Esq., dated 8th March 1872.

„ Secretary to Government, Panjáb, No. 785, dated 9th March 1872.

„ Secretary to Government, N. W. Provinces, No. 896A, dated 18th March 1872.

any place other than a church, we have explained that the restriction applies to any place within five miles distance from a church.

3. Under the existing law, any person wishing to have his or her marriage solemnized by a licensed Minister is required to reside for four days previous to giving notice of the intended marriage at the place where such notice is given. But although the law requires certain forms to be gone through with the object of giving the utmost possible publicity to any notice of an intended marriage, it suffers such marriage to take place immediately after notice has been given, if the parties to the marriage so desire. We think that an interval of four days between notice and marriage will be advantageously substituted for the four days enforced residence previous to notice, and we have amended the Bill accordingly.

4. We think that, with the alteration of procedure just stated, the fourteen days' delay between the notice and the issue of the Minister's certificate required by the present law where one of the parties to the intended marriage is a minor, may, in cases in which the consent of the person authorized to give consent to such marriage has been obtained, be dispensed with. It is proposed that this relaxation of the existing rule should extend only to cases in which the licensed Minister is satisfied that such consent has been given to the intended marriage.

5. Section 52 of the Bill, as introduced, provided that, when no marriage is registered during any month, a certificate to that effect shall be submitted. We think this involves unnecessary labour, and propose that the practice of sending such certificates be discontinued.

6. We have altered section 54 of the Bill as introduced, by restricting the proviso thereto so as to make the consent of parents or guardians (where there are any) essential to the validity of certificates for the marriage of native Christians only when either of the parties to the marriage has not completed his or her eighteenth year; we think that the exception to this rule contemplated by the Bill as originally drawn would have been liable to abuse.

7. We have provided that the ordinary rules of procedure in regard to the registration of marriages shall not be applicable to marriages between Natives of this country. For the record of such marriages, it is proposed to keep distinct registers, and to subject the persons keeping the same to less onerous obligations in the matter of making returns. Some doubt has been experienced as to the intention of the provisions of the existing law on this subject, and it is thought desirable to draw a clear distinction between marriages the record of which is required for statistical purposes in England, and those in regard to which there is no such need.

8. The alteration of the law as regards the interval between notice and issue of certificate of marriage has been applied, in the amended Bill, also to marriages by Registrars, the extent of such interval being made the same in both cases. In the case of minors, no modification of the rule as to delay seems called for, as the law provides a means whereby the persons intending marriage may obtain the issue of certificate without waiting for the expiration of the fourteen days after notice has been given.

9. We have introduced into the amended Bill provisions against the practice of polygamy, under cover of a professed change of religious belief, by persons who have contracted a marriage of the kind provided for by this Bill.

10. We have made other verbal alterations, and recommend that the Bill as amended by us be passed; but as some of the alterations of the existing law to be effected by this Bill are of an important character, we think that it should be republished for general information before this report is taken into consideration.

F. R. COCKERELL.  
J. F. STEPHEN.  
J. F. D. INGLIS.  
W. ROBINSON.  
F. S. CHAPMAN.  
J. R. BULLEN SMITH.

The 19th March 1872.

## THE INDIAN CHRISTIAN MARRIAGE BILL, 1872.

### ARRANGEMENT OF SECTIONS.

#### PREAMBLE.

#### PRELIMINARY.

#### SECTIONS.

1. Short title.  
Extent.  
Commencement.
2. Enactments repealed.
3. Interpretation-clause.

#### PART I.

##### THE PERSONS BY WHOM MARRIAGE MAY BE SOLEMNIZED.

4. Marriage to be solemnized according to Act.
5. Persons by whom marriage may be solemnized.
6. Licenses to solemnize marriage by whom to be granted.
7. Appointment of Marriage Registrars.  
Appointment of Senior Marriage Registrar.  
When Magistrate to be Marriage Registrar.
8. Appointment of Marriage Registrar in allied Native States.
9. Licensing of persons to grant certificates of marriage between Native Christians.

#### PART II.

##### TIME AND PLACE AT WHICH MARRIAGE MAY BE SOLEMNIZED.

10. Time for solemnizing marriage.  
Exceptions.
11. Place for solemnizing marriage.  
Fee for special license.

#### PART III.

##### MARRIAGES SOLEMNIZED BY MINISTERS OF RELIGION LICENSED UNDER THE ACT.

12. Notice of intended marriage.
13. Publication of such notice.  
Return or transfer of notice.
14. Notice of intended marriage in private dwelling.

#### SECTIONS.

15. Transmission of copy of notice to Marriage Registrar when one of the persons is a minor.
16. Procedure on receipt of notice.
17. Certificate of notice given and declaration made to be issued.  
Proviso.
18. Declaration to be made before issue of certificate.
19. Consent of parent or guardian necessary.
20. Power to prohibit by notice of issue of certificate.
21. Procedure of Minister on receipt of such notice.
22. In case of minority, certificate not to issue until fourteen days after receipt of notice.
23. Proceedings before issue of certificate to Native Christians.
24. Form of certificate.
25. After issue of certificate, marriage may be solemnized.
26. Certificate void if marriage not solemnized within two months.

#### PART IV.

##### REGISTRATION OF MARRIAGES.

27. Marriages, with certain exceptions, to be registered as herein prescribed.
28. Registration of marriages solemnized by Clergymen of the Church of England.
29. Quarterly returns to Archdeaconry.  
Contents of returns.
30. Registration and returns of marriages solemnized by Clergymen of the Church of Rome.
31. Registration and returns of marriages solemnized by Clergymen of the Church of Scotland.
32. What marriages to be entered in register book and certificate prescribed in Schedule IV.
33. Such entries to be signed and attested.
34. Certificate to be forwarded to Marriage Registrar, copied, and transmitted to Government.
35. Copies of certificates to be entered and numbered.
36. Registrar to add number of entry to certificate, and send to Government.
37. Registration of marriages between Native Christians, and custody and disposal of register book.



## PART V.

MARRIAGES SOLEMNIZED BY, OR IN THE PRESENCE  
OF, A MARRIAGE REGISTRAR.

## SECTIONS.

38. Notice of intended marriage before Marriage Registrar.
39. Notice how to be published in ordinary cases, and how in the case of minors.
40. Notice to be filed, and copy entered in the Marriage Notice Book.
41. Certificate of notice given and declaration made to be issued on request.  
If no impediment shown or issue not forbidden.  
After what interval certificate to issue.
42. Oath or declaration to be made before issue of certificate.
43. When parties may petition High Court to order certificate in less than fourteen days.  
Order on petition.
44. Provision as to consent of parent or guardian to apply and issue of certificate may be forbidden.  
Effect of protest.
45. Where person whose consent is necessary is insane, or unjustly withholds consent, parties may petition.  
Procedure on petition.
46. When Marriage Registrar refuses certificate, party may petition.  
Procedure on petition.
47. When Registrar in allied Native State refuses certificate, petition may be made to Governor General in Council.
48. If Registrar doubt authority of person forbidding, he may petition High Court, or District Judge.  
Contents of, and procedure on petition.  
Marriage Registrar in allied State, not satisfied of want of authority in person forbidding, may refer to Governor General.  
Procedure on reference.
49. Liability of person protesting on frivolous grounds against issue of certificate.
50. Form of certificate.
51. After issue of certificate, marriage may be solemnized in presence of Marriage Registrar and two witnesses.
52. When marriage is not had within three months after notice, a new notice required.
53. Marriage Registrar may ask for particulars to be registered.
54. Registry of marriages.
55. Certificates to be transmitted monthly to Secretary to Government.  
Custody and transmission of Register-book.
56. Registrars in allied Native States to transmit certificates to Foreign Secretary.

## SECTIONS.

57. In case of a Native Christian, Registrar to ascertain that notice and certificate are understood.
58. Native Christians to be made to understand declarations at marriage.
59. Registration of marriages between Native Christians.

## PART VI.

## MARRIAGE OF NATIVE CHRISTIANS.

60. On what conditions marriages of Native Christians may be certified.
61. On marriage (the conditions having been fulfilled) licensed person to grant certificate.
62. Register-book to be kept.
63. Search in Register-book to be allowed and copy of entry given.
64. Part VI. not to apply to Roman Catholics.  
Saving of certain marriages.

## PART VII.

## PENALTIES.

65. Punishments—  
for false oath, declaration, notice, or certificate for procuring marriage;
66. for forbidding, by false personation, issue of certificate by Marriage Registrar;
67. for solemnizing marriage without due authority;
68. for solemnizing marriage out of proper time, or without witnesses;  
excepting marriages solemnized under special licenses;
69. for solemnizing, without notice or within fourteen days after notice, marriage with minor.
70. for issuing certificate, or marrying, without publication of notice;  
marrying after expiry of certificate;  
solemnizing marriage with minor within fourteen days, without authority of Court, or without sending copy of notice;  
issuing certificate against authorized prohibition.
71. for issuing certificate after expiry of notice, or, in case of minor, within fourteen days after notice or against authorized forbiddal;
72. for unauthorizedly marrying according to usage of—  
the Church of England;  
or Church of Scotland;  
or Church of Rome;  
for issuing certificate or marrying without publishing notice,  
or after expiry of certificate;  
for issuing certificate for, or solemnizing marriage with minor, within fourteen days after notice;

## SECTIONS.

- for issuing certificate authorizedly forbidden ;  
for solemnizing marriage authorizedly forbidden ;
73. for unlicensed person granting certificate pre-  
tending to be licensed ;
74. for destroying or falsifying Register-books.
- 75 Limitation of prosecutions.

## PART VIII.

## MISCELLANEOUS.

76. Bar of right, by change of religion, to practise  
polygamy.
77. Punishment for marrying again during continu-  
ance of marriage under law forbidding poly-  
gamy.
78. What matters need not be proved in respect of  
marriage in accordance with Act.
79. Corrections of errors.
80. Searches to be allowed and copies of entries given  
on payment of fee.
81. Certified copy of entry in marriage register, &c.,  
to be evidence of marriage without further  
proof.
82. Transmission of certificates of certain marriages  
to Secretary of State for India.
83. Local Government to prescribe fees.
84. Power to make rules.

SCHEDULE I.—Notice of Marriage.

SCHEDULE II.—Certificate of receipt of notice.

SCHEDULE III.—Form of Register of Mar-  
riages.

SCHEDULE IV.—Marriage Register Book.  
Certificate of Marriage.

SCHEDULE V.—Enactments repealed.

*A Bill to consolidate and amend the law relating to  
the solemnization in India of marriages of persons  
professing the Christian Religion.*

Whereas it is expedient to consolidate and  
amend the law relating to  
Preamble. the solemnization in India  
of marriages of persons professing the Christian  
religion ; It is enacted as follows :—

## PRELIMINARY.

Short title.

1. This Act may be  
called "The Indian Chris-  
tian Marriage Act, 1872."

It extends to the whole of British India, and,  
so far only as regards  
Extent Christian British subjects

of Her Majesty, to the territories of any Native  
Prince or State in alliance with Her Majesty ;

and it shall come into operation on the passing  
Commencement. thereof.

2. The enactments specified in the fifth sche-  
dule hereunto annexed  
Enactments repealed. are repealed.

3. In this Act, unless there is something  
repugnant in the subject  
Interpretation-clause. or context,—

"Church of England" and "Anglican" mean  
and apply to the Church  
of England as by the law  
established ;

"Church of England."  
"Anglican."

"Church of Scotland"  
means the Church of Scot-  
land as by law established ;

"Church of Scotland."

"Church of Rome" and "Roman Catholic"  
mean and apply to the  
Church which regards the  
Pope of Rome as its  
spiritual head ;

"Church of Rome."  
"Roman Catholic."

"Church" includes any chapel or other build-  
ing generally used for  
public Christian worship ;

"Church."

"Minor."

"Minor" means a per-  
son who has not completed  
the age of twenty-one  
years ;

"Native Christian" includes the Christian  
descendants of Natives of  
India converted to Chris-  
tianity, as well as such converts.

"Native Christian."

## PART I.

THE PERSONS BY WHOM MARRIAGE MAY BE  
SOLEMNIZED.

4. Every marriage between persons, one or  
both of whom professes

or profess the Christian  
religion, shall be solem-  
nized in accordance with the provisions of the  
next following section ; and any such marriage  
solemnized otherwise than in accordance with the  
said provisions, shall be void,

Persons by whom mar- 5. Marriages may be  
riage may be solemnized. solemnized in India—

(1) by any person who has received episcopal  
ordination, provided that the marriage be solem-  
nized according to the rules, rites, ceremonies, and  
customs of the Church of which he is a Minister ;

(2) by any Clergyman of the Church of Scot-  
land, provided that such marriage be solemnized  
according to the rules, rites, ceremonies, and cus-  
toms of the Church of Scotland ;

(3) by any Minister of Religion who, under  
the provisions of this Act, or any Act hereby  
repealed, has obtained a license to solemnize  
marriages ;

(4) by, or in the presence of, a Marriage  
Registrar appointed under this Act or any Act  
hereby repealed ;

(5) by any person who, with respect to mar-  
riages between Native Christians, shall have re-  
ceived a license to grant certificates of marriage.

6. The Governor General of India in Council,  
the Governors of Madras  
and Bombay in Council,  
and the Lieutenant-  
Governors of Bengal, the

North-Western Provinces, and the Panjáb, may  
grant licenses to Ministers of Religion to solem-  
nize marriages within the territories under the  
immediate administration of such Governor Ge-  
neral, or subject to such Governors and Lieute-  
nant-Governors respectively, and may revoke  
such licenses.

Licenses to solemnize  
marriage by whom to be  
granted.

7. The Local Government may appoint one or more Marriage Registrars, either by name or as holding any office for the time being, for any portion of the Presidency or territory subject to its administration. But no person shall be a Marriage Registrar who does not profess the Christian religion.

Where there are more than one Marriage Registrar in any district, the Local Government shall appoint one of them to be the Senior Marriage Registrar.

When there is only one Marriage Registrar in a district, and such Registrar is absent from such district, or ill, or in case of the death of the only Marriage Registrar in a district, or of any temporary vacancy in such office, the Magistrate of such district shall act as, and be, Marriage Registrar thereof during such absence, illness, or temporary vacancy as aforesaid.

8. The Governor General of India in Council may appoint any person, being a Christian, to be a Marriage Registrar in any district, to be assigned by the Governor General of India in Council, in any place within the territories of any Native Prince or State in alliance with Her Majesty.

9. The Local Government may issue a license to any person being a Christian, either by name or as holding any office for the time being, authorizing him to grant certificates of marriage between Native Christians. Any such license may be revoked by the local Government by whom it was granted, and every such grant or revocation shall be notified in the official Gazette.

## PART II.

### TIME AND PLACE AT WHICH MARRIAGE MAY BE SOLEMNIZED.

10. Every marriage hereafter solemnized in India by any person who has received episcopal ordination, or by any Clergyman of the Church of Scotland, or by any Minister licensed under this Act to solemnize marriages, shall be solemnized between the hours of six in the morning and seven in the evening:

Provided that nothing in this section shall apply to—

(1).—A Clergyman of the Church of England solemnizing a marriage under a special license permitting him to do so at any hour other than between six in the morning and seven in the evening under the hand and seal of the Anglican Bishop of the Diocese or his Commissary.

(2).—A Clergyman of the Church of Rome solemnizing a marriage between the hours of seven in the evening and six in the morning, when he has received a general or special license in that behalf from the Roman Catholic Bishop of the Diocese or Vicariate in which such marriage is so solemnized, or from such person as the same Bishop has authorized to grant such license.

11. No Clergyman of the Church of England shall solemnize a marriage in any building or place other than a church, where there is a church within 5 miles distance from such building or place, unless he has received a special license authorizing him to do so under the hand and seal of the Bishop of the Diocese, or from the Commissary of such Bishop.

For such special license the Registrar of the Diocese shall be entitled to charge such additional fee as the said Bishop may sanction.

## PART III.

### MARRIAGES SOLEMNIZED BY MINISTERS OF RELIGION LICENSED UNDER THE ACT.

12. In all cases in which a marriage is intended to be solemnized by a Minister of Religion who has obtained a license to solemnize marriages under this Act, or any Act hereby repealed,—

one of the persons intending marriage shall give notice in writing, according to the form contained in the first schedule hereto annexed, or to the like effect, to the Minister of Religion whom he or she desires to solemnize the marriage, and shall state therein the name or names, and the profession or condition, of each of the persons intending marriage, the dwelling place of each of them, and the time during which each has dwelt there, and the church or private dwelling in which the marriage is to be solemnized:

Provided that, if either of such persons shall have dwelt in the place stated in the notice during more than one month, it may be stated therein that he or she has dwelt there one month and upwards.

13. If the Minister of Religion to whom such notice has been delivered is entitled to officiate in the church in which it is intended to solemnize the said marriage, he shall publish every notice of marriage received by him, by causing the same to be published and affixed in some conspicuous part of such church.

If such Minister of Religion is not entitled to officiate as a Minister in such church, he shall, at his option, either return the notice to the person delivering the same to him, or deliver it to some other Minister entitled to officiate therein, who shall thereupon cause the notice to be so published and affixed as aforesaid.

14. If it be intended that the marriage shall be solemnized in a private dwelling, the Minister of Religion, on receiving the notice prescribed in section twelve, shall forward it to the Marriage Registrar of the district, who shall affix the same to some conspicuous place in his own office.

15. When one of the persons intending marriage (not being a widow or widower) is a minor, every such Minister as aforesaid, who receives such notice, shall, unless

within twenty-four hours after his receipt thereof he returns the same to the person from whom it was received under the provisions of section thirteen, send by the post, or otherwise, a copy of such notice to the Marriage Registrar of the district, or, if there be more than one Registrar of such district, to the Senior Marriage Registrar.

16. The Marriage Registrar or Senior Marriage Registrar, on receiving any such notice, shall affix the same to some conspicuous place in his own office, and the latter shall further cause a copy of the said notice to be sent to each of the other Marriage Registrars in the same district, who shall likewise publish the same in the manner above directed.

17. Any Minister of Religion consenting or intending to solemnize any such marriage as aforesaid, shall, on being required so to do by or on behalf of the person by whom the notice was given, and upon one of the persons intending marriage making such declaration as is herein-after required, issue under his hand a certificate of such notice having been given and of such declaration having been made:

Provided that—

(1) no such certificate shall be issued until the expiration of four days after the date of the receipt of the notice by such Minister;

Proviso.

(2) no lawful impediment, according to the law of England, be shown to his satisfaction such certificate should not issue, and

(3) the issue of such certificate shall not have been sooner forbidden in the manner herein-after mentioned by any person authorized in that behalf.

18. The certificate mentioned in section seventeen shall not be issued until one of the persons intending marriage shall have appeared personally before the Minister and made a solemn declaration that he or she believes that there is not any impediment of kindred or affinity or other lawful hindrance to the said marriage, and, when either or both of the parties, not being a widower or widow, is or are a minor or minors, that the consent of the person or persons whose consent to such marriage is required by law has been obtained thereto, or that there is or are no person or persons resident in India having authority to give such consent, as the case may be.

19. The father, if living, of any minor, not being a widower or widow, or, if the father be dead, the guardian of the person of such minor, and, in case there be no such guardian, then the mother of such minor, may give consent to the minor's marriage, and such consent is hereby required for the same marriage, unless no person authorized to give such consent be resident in India.

20. Every person whose consent to a marriage is required under section nineteen, is hereby authorized to prohibit the grant of the certificate by any Minister, at any time before the issue of the same,

by notice in writing to such Minister, subscribed by the person so authorized with his or her name and place of abode and position, with respect to either of the persons intending marriage, by reason of which he or she is so authorized as aforesaid.

21. If any such notice prohibiting the marriage be received by such Minister as aforesaid, he shall not issue his certificate and shall not solemnize the said marriage until he has examined into the matter of the said prohibition, and is satisfied that the person prohibiting the marriage has no lawful authority for such prohibition, or until the said notice is withdrawn by the person who gave it.

22. When either of the persons intending marriage is a minor, and the Minister is not satisfied that the consent of the person whose consent to such marriage is required by section nineteen has been obtained, such Minister shall not grant such certificate until the expiration of fourteen days after the receipt by him of such notice of marriage.

23. When any Native Christian about to be married takes a notice of marriage to a Minister of Religion, or applies for a certificate from such Minister under section seventeen, such Minister shall, before issuing such certificate, ascertain whether such Native Christian is cognizant of the purport and effect of the said notice or certificate, as the case may be, and, if not, shall translate or cause to be translated, such notice or certificate to such Native Christian into his language, or into some language which he understands.

24. The certificate to be issued by such Minister as aforesaid shall be in the form contained in the second schedule hereto annexed, or to the like effect.

25. After the issue of the certificate by such Minister of Religion, marriage may be solemnized between the persons therein described according to such form or ceremony as the Minister thinks fit to adopt: Provided that the marriage be solemnized in the presence of at least two witnesses.

26. Whenever a marriage is not solemnized within two months after the date of the certificate which has been issued by such Minister as aforesaid, such certificate and all other proceedings thereon shall be void, and no person shall proceed to solemnize the said marriage until new notice has been given and a certificate thereof issued in the manner aforesaid.

#### PART IV.

##### REGISTRATION OF MARRIAGES.

27. All marriages hereafter solemnized in India between persons one or both of whom professes or profess the Christian Religion, except mar-

riages, with certain exceptions, to be registered as herein prescribed.

riages solemnized under Parts V. and VI. of this Act, shall be registered in the manner hereinafter prescribed: Provided that no omission or defect in such registration shall invalidate any marriage not otherwise invalid.

28. Every marriage solemnized by a Clergyman of the Church of England shall be registered by the Clergyman solemnizing the same in a register of marriages to be kept by him, according to the form contained in the third schedule hereto annexed.

29. Every Clergyman of the Church of England shall send four times in every year returns in duplicate, authenticated by his signature, of the entries in the register of marriages solemnized at or in any station or district at which he has any spiritual charge, to the Registrar of the Archdeaconry to which he is subject, or within the limits of which such station or district is situated.

Such quarterly returns shall contain all the entries of marriages contained in the said register from the first day of January to the thirty-first day of March, from the first day of April to the thirtieth day of June, from the first day of July to the thirtieth day of September, and from the first day of October to the thirty-first day of December, of each year respectively, and shall be transmitted by such Clergyman within two weeks from the expiration of each of the quarters above specified. The said Registrar upon receiving the same shall transmit one copy to the Secretary to the Local Government.

30. Every marriage solemnized by a Clergyman of the Church of Rome shall be registered by the person and according to the form directed in that behalf by the Roman Catholic Bishop of the Diocese or Vicariate in which such marriage is solemnized, and such person shall forward quarterly to the Secretary to the Local Government returns of the entries of all marriages registered by him during the three months next preceding.

31. Every marriage solemnized by a Clergyman of the Church of Scotland shall be registered by the Clergyman solemnizing the same in a register of marriages to be kept by him for the station or district in which the marriage is solemnized, in the form prescribed in section twenty-eight for marriages solemnized by Clergymen of the Church of England, and such Clergyman shall forward quarterly to the Secretary to the Local Government, through the Senior Chaplain of the Church of Scotland, returns similar to those prescribed in section twenty-nine for Clergymen of the Church of England, of all marriages solemnized by him.

32. Every marriage solemnized by any person authorized to solemnize marriages under clauses (1) and (3) of section five, other than the persons mentioned in sections

twenty-eight and thirty, shall immediately, after the solemnization thereof, be registered in duplicate by the person solemnizing the same in a marriage register book to be kept by him for that purpose, according to the form contained in the fourth schedule hereto annexed, and also in a certificate attached to the marriage register book as a counterfoil.

33. The entry of such marriage in both the certificate and marriage register book shall be signed and attested by the person by whom the said marriage has been solemnized, and also by the persons married, and shall be attested by two credible witnesses who were present at the solemnization of the marriage, and every such entry shall be made in order from the beginning to the end of the book, and the number of the certificate shall correspond with that of the entry in the marriage register book.

34. The person solemnizing the said marriage shall forthwith separate the certificate from the marriage register book, and send it within one month from the time of the solemnization of such marriage to the Marriage Registrar of the district in which the marriage was solemnized, or, if there be more Marriage Registrars than one, to the Senior Marriage Registrar, who shall cause such certificate to be copied into a book to be kept by him for that purpose, and shall send all the certificates which he has received during the month, with such number and signature or initials added thereto as are hereinafter required, to the Secretary to the Local Government.

35. Such copies shall be entered in order from the beginning to the end of the said book, and shall bear both the number of the certificate as copied, and also a number to be entered by the Marriage Registrar, indicating the number of the entry of the said copy in the said book, according to the order in which each certificate was received by the said Marriage Registrar.

36. The Marriage Registrar shall also add such last-mentioned number of the entry of the copy in the book to the certificate, with his signature or initials, and shall, at the end of every month, transmit the same to the Secretary to the Local Government.

37. When any marriage between Native Christians is solemnized under Part I. or III. of this Act, the person solemnizing the same shall, instead of proceeding in the manner provided by sections twenty-eight to thirty-six, both inclusive, register such marriages in a separate register book, and shall keep safely the said register book until the same shall be filled, or, if he shall leave the district in which he solemnized the marriage before the said book is filled, shall make over the same to the person succeeding to his duties in the said district, who shall keep safely the same, and shall make therein the entries

by this Act required to be made in respect of any such marriage solemnized by him within the said district.

And the person having the control of the book at the time when it shall be filled, shall send the same to the Marriage Registrar of the district, or, if there be more Marriage Registrars than one, to the Senior Marriage Registrar, who shall send it to the Secretary to the Local Government, to be kept by him with the records of his office.

The provisions of sections sixty-two and sixty-three as to the form of the Register book, the deposit of extracts therefrom, and the granting searches and copies of the contents of such register, shall apply to the Register books kept under this section.

## PART V.

### MARRIAGES SOLEMNIZED BY, OR IN THE PRESENCE OF, A MARRIAGE REGISTRAR.

38. When a marriage is intended to be solemnized by, or in the presence of, a Marriage Registrar, one of the parties to such marriage shall give notice in writing, in the form contained in the first schedule hereto annexed, or to the like effect, to any Marriage Registrar of the district within which the parties shall have dwelt,

or, if the parties dwell in different districts, shall give the like notice to a Marriage Registrar of each district, and shall state therein 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 during which each has dwelt therein, and the place in which the marriage is to be solemnized:

Provided that, if either party has dwelt in the place stated in the notice during more than one month, it may be stated therein that he or she hath dwelt there one month and upwards.

39. Every Marriage Registrar shall, on receiving any such notice, publish the same, by causing a copy thereof to be affixed in some conspicuous place in his office.

When one of the parties intending marriage (not being a widower or widow) is under twenty-one years of age, every Marriage Registrar shall, within twenty-four hours after the receipt by him of the notice of such marriage, send, by the post or otherwise, a copy of such notice to all the other Marriage Registrars (if any) in the same district, who shall likewise affix the same in some conspicuous place in their own offices as aforesaid.

40. The Marriage Registrar shall file all such notices and keep them with the records of his office, and shall also forthwith enter a true copy of all such notices in a book to be for that purpose furnished to him by the Local Government, to be called the "Marriage Notice Book," and the Marriage Notice Book shall be open at all reasonable times, without fee, to all persons desirous of inspecting the same.

41. The Marriage Registrar, upon being requested so to do by or on behalf of the party by whom the notice was given, and one of the parties intending marriage having made oath or declaration as hereinafter required, shall issue under his hand a certificate of such notice having been given and of such oath or declaration having been made:

Provided that no lawful impediment according to the law of England be shown to the satisfaction of the Marriage Registrar why such certificate should not issue, and the issue of such certificate has not been sooner forbidden, in manner hereinafter mentioned, by any person or persons authorized in that behalf by this Act:

Provided also that in no case shall the certificate be issued until the expiration of four days after the receipt of the notice, and

After what interval certificate to issue. further that where, by such oath or declaration, it appears that one of the parties intending marriage (not being a widower or widow) is under twenty-one years of age, the Marriage Registrar shall not issue his certificate until the expiration of fourteen days after the entry of such notice of marriage.

42. The certificate mentioned in section forty-one shall not be issued by any Marriage Registrar, until one of the parties intending marriage shall

Oath or declaration to be made before issue of certificate. appear personally before such Marriage Registrar, and shall make oath that he or she believes that there is not any impediment of kindred or affinity, or other lawful hindrance, to the said marriage, and that both the parties have, or (where they have dwelt in the districts of different Marriage Registrars) that the party making such oath hath, had their, his, or her usual place of abode within the district of such Marriage Registrar, and where either or each of the parties, not being a widower or widow, is 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 thereto, or that there is no person resident in India having authority to give such consent, as the case may be.

43. When one of the parties intending marriage (not being a widower or widow) is under twenty-one years of age, and both parties intending marriage are at the time resident in any of the towns of Calcutta, Madras, or Bombay, and are desirous of being married in less than fourteen days after the entry of such notice as aforesaid, both parties intending marriage may apply by petition to the High Court of such town, or any Judge thereof, for an order upon the Marriage Registrar to whom the notice of marriage has been given, directing him to issue his certificate before the expiration of the said fourteen days required by section forty-one.

And the said High Court, or any Judge thereof may, on sufficient cause being shown in its or his discretion, make an order upon such Marriage Registrar, directing him to issue his certificate at any

Certificate of notice given and declaration made to be issued, on request.

If no impediment shown or issue not forbidden:

Oath or declaration to be made before issue of certificate.

When parties may petition High Court to order certificate in less than fourteen days.

Order on petition.

time to be mentioned in the said order, before the expiration of the said fourteen days required by section forty-one; and the said Marriage Registrar, on receipt of the said order, shall issue his certificate in accordance therewith.

44. The provisions of section nineteen shall apply to any marriage under this Part, either of the parties to which (not being a widower or widow) is a minor, and any person whose consent to such marriage would be required thereunder may enter a protest against the issue of the Marriage Registrar's certificate, by writing at any time before the issue of such certificate 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;

When such protest has been entered, no certificate shall issue until the Marriage Registrar has examined into the matter of the protest, and is satisfied that it ought not to obstruct the issue of the certificate for the said marriage, or until the protest be withdrawn by the party who entered the same.

45. If any person whose consent is necessary to any marriage under this Part is *non compos mentis*, or if any such person (other than the father) without just cause withholds his or her consent to the marriage, the parties intending marriage may apply by petition, where the person whose consent is necessary is resident within any of the towns of Calcutta, Madras, and Bombay, to the High Court, or if the person is not resident within any of the said towns, then to the Judge of the district within which such person is resident; and the said Court or any Judge thereof, or the said Judge of the district, may examine the allegations of the petition in a summary way.

If upon examination such marriage appears proper, such High Court or any Judge thereof, or such Judge of the district, shall declare the marriage to be a proper marriage, and such declaration shall be as good and effectual as if the person whose consent was needed had consented to the marriage; and if such person has forbidden the issue of the Marriage Registrar's certificate, such certificate shall be issued, and the like proceedings may be had under this Part in relation to the marriage as if the issue of such certificate had not been forbidden by such person.

46. Whenever a Marriage Registrar has refused to issue a certificate under this Part, either of the parties intending marriage may apply by petition, where the district of such Registrar is within any of the towns of Calcutta, Madras, and Bombay, to the High Court, or if such district is not within any of the said towns, then to the Judge of the said district; and the said Court or any Judge thereof, or the Judge of the district, may examine the allegations of the petition

in a summary way, and shall decide thereon. The decision of such Court or any Judge thereof, or of the District Judge, shall be final, and the Marriage Registrar to whom the application for the issue of a certificate was originally made shall proceed in accordance therewith.

47. Whenever a Marriage Registrar resident in the territories of any Native Prince or State in alliance with Her Majesty, refuses to issue his certificate, either of the parties intending marriage may apply by petition to the Governor General of India in Council, who shall decide thereon; such decision shall be final, and the Marriage Registrar to whom the application was originally made shall proceed in accordance therewith.

48. Whenever a Marriage Registrar, acting under the provisions of section forty-four, is not satisfied that the person forbidding the issue of the certificate is authorized by law so to do, the said Marriage Registrar shall apply by petition, where the district of such Registrar is within any of the towns of Calcutta, Madras, and Bombay, to the High Court of Judicature in the Presidency or place within which such district is comprised, or, if such district be not within any of the said towns, then to the Judge of the district within which the same is comprised.

The said petition shall state all the circumstances of the case, and pray for the order and direction of the Court concerning the same, and the said High Court, or any Judge thereof, or such Judge of the district, shall examine into the allegations of the petition and the circumstances of the case, and if, upon such examination, it shall appear that the person forbidding the issue of such certificate is not authorized by law so to do, such High Court or any Judge thereof, or such Judge of the district, shall declare that the person forbidding the issue of such certificate is not authorized as aforesaid, and then, and in such case, such certificate shall be issued, and the like proceedings may be had in relation to such marriage as if the issue of such certificate had not been forbidden by such person.

In all cases where a Marriage Registrar appointed under section eight, to act within the territories of any Native Prince or State in alliance with Her Majesty, is not satisfied that the person forbidding the issue of the certificate is not authorized by law so to do, the said Marriage Registrar shall transmit a statement of all the circumstances of the case, together with all documents and papers relating thereto, to the Governor General of India in Council; and, if it appears to the Governor General of India in Council that the person forbidding the issue of such certificate is not authorized by law so to do, the Governor General of India in Council shall declare that the party forbidding the issue of such certificate is not authorized as aforesaid, and then, and in such case, such certificate shall be issued, and the like proceedings may be had in

relation to such marriage as if the issue of such certificate had not been forbidden by such person.

49. Every person entering a protest with the Marriage Registrar, under this Part, against the issue of any certificate on grounds which such Marriage Registrar, under section forty-four, or the High Court or Judge thereof, or the District Judge, under section forty-five or forty-six, declares to be frivolous and such as ought not to obstruct the issue of the certificate, shall be liable for the costs of all proceedings in relation thereto and for damages to be recovered by suit by the person against whose marriage such protest was entered.

50. The certificate to be issued by the Marriage Registrar under the provisions of section forty-one shall be in the form contained in the second schedule to this Act annexed, or to the like effect, and the Local Government shall furnish to every Marriage Registrar a sufficient number of forms of certificate.

51. After the issue of the certificate of the Marriage Registrar, or where notice is required to be given under this Act to the Marriage Registrars for different districts after the issue of the certificates of the Marriage Registrars for such districts, marriage may, if there be no lawful impediment to the marriage of the parties described in such certificate or certificates, be solemnized between such parties, according to such form and ceremony as they think fit to adopt. But every such marriage shall be solemnized between the hours of six in the morning and seven in the evening, in the presence of some Marriage Registrar (to whom shall be delivered such certificate or certificates as aforesaid), and of two or more witnesses, and in some part of the ceremony each of the parties shall declare as follows or to the like effect—

After issue of certificate, marriage may be solemnized in presence of Marriage Registrar and two witnesses.

"I do solemnly declare that I know not of any lawful impediment why I, *A. B.*, may not be joined in matrimony to *C. D.*"

And each of the parties shall say to the other as follows or to the like effect—"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]."

52. Whenever a marriage is not had within three months after the notice has been entered by the Marriage Registrar, as required by section thirty-nine, the notice and the certificate, if any, issued thereupon, and all other proceedings thereupon, shall be utterly void; and no person shall proceed to solemnize the marriage, nor shall any Marriage Registrar enter the same, until new notice has been given, and entry made, and certificate thereof given, at the time and in the manner aforesaid.

53. A Marriage Registrar before whom any marriage is solemnized under this Part may ask for particulars to be registered of the persons to be married the several particulars required to be registered touching such marriage.

54. After the solemnization of any marriage under this Part, the Marriage Registrar present at the solemnization thereof shall forthwith register such marriage in duplicate, that is to say, in a Marriage Register Book, according to the form of the fourth schedule hereto annexed, and also in a certificate attached to the Marriage Register Book as a counterfoil; and the entry of such marriage in both the certificate and the Marriage Register Book shall be signed by the person by or before whom the marriage has been solemnized, if there be any such person, and by the Marriage Registrar present at such marriage, whether or not the marriage is solemnized by him, and also by the parties married, and attested by two witnesses.

Every such entry shall be made in order from the beginning to the end of the book, and the number of the certificate shall correspond with that of the entry in the Marriage Register Book.

55. The Marriage Registrar shall forthwith separate the certificate to be transmitted monthly to the Secretary to Government. The Marriage Registrar shall keep safely the said Register Book until it be filled, and shall then transmit the same to the Secretary to the Government, or to such other officer as aforesaid, to be kept by him with the records of his office.

56. The Marriage Registrars in the territories of any Native Prince or State in alliance with Her Majesty, shall transmit the certificates mentioned in section fifty-seven to the Secretary for the Foreign Department of the Government of India.

57. When any Native Christian about to be married applies for or tenders a notice of marriage, or applies for a certificate from a Marriage Registrar, such Marriage Registrar shall ascertain whether the said Native Christian understands the English language, and, if he does not, the said Marriage Registrar shall translate such notice or certificate, or both of them, as the case may be, or shall cause the same to be translated to such Native Christian in the language of such Native Christian, or the said Marriage Registrar shall otherwise ascertain whether such Native Christian is cognizant of the purport and effect of the said notice and certificate.

58. When any Native Christian is married under the provisions of this Part, the party solemnizing the said marriage shall ascertain whether such Native Christian understands the English language, and, if he does not, the party solemnizing the said marriage shall, at the time of the solemnization thereof, translate, or cause to be translated, to such Native Christian, in the language of such Native Christian, the declarations made at such marriage in accordance with the provisions of this Act.

59. In case of a Native Christian, Registrar to ascertain that notice and certificate are understood.

Native Christians to be made to understand declarations at marriage.



59. The registration of marriages between Native Christians under this Part shall be conducted in conformity to the rules laid down in section thirty-seven (so far as they are applicable), and not otherwise.

## PART VI.

### MARRIAGE OF NATIVE CHRISTIANS.

60. Every marriage between Native Christians applying for a certificate, shall, without the preliminary notice required under Part III., be certified under this Part, if the following conditions be fulfilled, and not otherwise:—

(1.) The age of the man intending to be married shall exceed sixteen years, and the age of the woman intending to be married shall exceed thirteen years:

(2.) The man and the woman shall not stand to each other within the prohibited degrees of consanguinity or affinity:

(3.) Neither of the persons intending to be married shall have a wife or husband still living:

(4.) In the presence of the person licensed under section nine, and of at least two credible witnesses, each of the parties shall say to the other—

“I call upon these persons here present to witness that I, *A. B.*, in the presence of Almighty God, and in the name of our Lord Jesus Christ, do take thee, *C. D.*, to be my lawful wedded wife [*or husband*],” or words to the like effect:

(5.) Such declaration shall be made between the hours of six in the morning and seven in the evening:

Provided that no marriage shall be certified under this Part when either of the parties intending to be married has not completed his or her eighteenth year, unless such consent as is mentioned in section nineteen has been given to the intended marriage, or unless it appears that there is no person living authorized to give such consent.

61. When, in respect to any marriage falling under this Part, the conditions prescribed in section sixty have been fulfilled, the person licensed as aforesaid, in whose presence the said declaration shall have been made, shall, on the application of either of the parties to such marriage, and on the payment of a fee of four annas, grant a certificate of such marriage. Such certificate shall be signed by such licensed person, and shall be received in any suit touching the validity of such marriage as conclusive evidence of the same marriage having been performed.

62. A Register Book of all marriages of which certificates are granted under section sixty-one, shall be kept by the person granting such certificates in his own vernacular language. Such Register Book shall be kept according to such form as the Local Government from time to time prescribes, and the said book, or true extracts therefrom, duly authenticated,

shall be deposited at such places and at such times as the Local Government directs.

63. Every person licensed under this Act to grant certificates of marriage and keeping a Marriage Register Book under section sixty-two, shall, at all reasonable times, allow search to be made in such book, and shall, on payment of the fees prescribed by the Local Government under section eighty-three, give a copy, certified under his hand, of any entry or entries in the same.

64. This Part of this Act, except so much of Part VI. not to apply to sections sixty-two and Roman Catholics, sixty-three as are referred to in section thirty-seven, shall not apply to marriages between Roman Catholics. But nothing herein contained shall be construed to invalidate any marriage contracted between Roman Catholics under the provisions of Part V. of Act No. XXV. of 1864, previous to the repeal of that Act.

## PART VII.

### PENALTIES.

65. Whoever intentionally makes any false oath or declaration, or signs any false notice or certificate required by this Act, for the purpose of procuring any marriage, shall be deemed guilty of the offence described in section one hundred and ninety-three of the Indian Penal Code.

66. Whoever forbids the issue by a Marriage Registrar of a certificate by falsely representing himself or herself to be a person whose consent to the marriage is required by law, knowing such representation to be false, shall be deemed guilty of the offence described in section two hundred and five of the Indian Penal Code.

67. Whoever, not being authorized under this Act to solemnize a marriage in the absence of a Marriage Registrar of the district in which such marriage is solemnized, knowingly solemnizes a marriage between persons one or both of whom professes or profess the Christian religion, shall be punished with imprisonment which may extend to ten years, and shall also be liable to fine; or, in lieu of a sentence of imprisonment for seven years or upwards, to transportation for a term of not less than seven years, and not exceeding ten years;

or, if the offender be an European or American, to penal servitude according to the provisions of Act No. XXIIV. of 1855 (*to substitute penal servitude for the punishment of transportation in respect of European and American convicts, and to amend the law relating to the removal of such convicts*).

68. Whoever knowingly and wilfully solemnizes a marriage between persons one or both of whom professes or profess the Christian Religion at any time other than between the hours of six in the morning and seven in the evening, or in the ab-

sence of at least two credible witnesses, shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

The provisions of this section shall not apply to marriages solemnized under special licenses granted by the Anglican Bishop of the Diocese or by his Commissary, nor to marriages performed between the hours of seven in the evening and six in the morning by a Clergyman of the Church of Rome, when he has received the general or special license in that behalf mentioned in section ten.

69. Any Minister of Religion licensed to solemnize marriages under this Act, who, without a notice in writing, or when one of the parties to the marriage, not being a widower or widow, is a minor, and the required consent of the parents or guardian to such marriage has not been obtained, within fourteen days after the receipt by him of notice of such marriage, knowingly and wilfully solemnizes a marriage under Part III., shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

70. A Marriage Registrar under this Act, who for issuing certificate, or marrying, without publication of notice;

(1) knowingly and wilfully issues any certificate for marriage, or solemnizes any marriage, without publishing or affixing in some conspicuous place the notice of such marriage as directed by this Act;

(2) after the expiration of two months after a certificate in respect of a marriage shall have been issued by him, solemnizes such marriage;

(3) without an order authorizing him to do so, solemnizes any marriage when one of the persons intending marriage (not being a widower or widow) is a minor, before the expiration of fourteen days after the receipt of such notice, or without sending, by the post or otherwise, a copy of such notice of marriage to the Senior Marriage Registrar of the district (if there be more Marriage Registrars of the district than one), and, if he himself be not the Senior Marriage Registrar;

(4) issues any certificate, the issue of which shall have been prohibited as in this Act provided by any person authorized to prohibit the issue thereof,

shall be punished with imprisonment for a term which may extend to five years, and shall also be liable to fine.

71. Any Marriage Registrar knowingly and wilfully issuing any certificate for marriage after the expiration of three months after the notice has been entered by him as aforesaid, or knowingly and wilfully issuing, with-

out the order of a competent Court authorizing him so to do, any certificate for marriage, where one of the parties intending marriage (not being a widower or widow) is under twenty-one years of age, before the expiration of fourteen days after the entry of such notice or any certificate the issue of which has been forbidden as aforesaid by any person authorized to forbid such issue, shall be deemed to have committed an offence under section one hundred and sixty-six of the Indian Penal Code.

for unauthorizedly marrying according to usage of—  
the Church of England,

72. Whoever, being a person authorized under the provisions of this Act to solemnize a marriage,

and not being a Clergyman of the Church of England, solemnizing a marriage after due publication of banns or under a license from the Anglican Bishop of the Diocese or a surrogate duly authorized in that behalf,

or, not being a Clergyman of the Church of Scotland, Scotland, solemnizing a marriage according to the rules, rites, ceremonies, and customs of that Church,

or, not being a Clergyman of the Church of Rome, solemnizing a marriage according to the rules, ceremonies, and customs of that Church,

knowingly and wilfully issues any certificate for marriage under this Act, or solemnizes any marriage between such persons as aforesaid

without publishing, or causing to be affixed, the notice of such marriage as directed in Part III. of this Act, or after the expiration of two months after the certificate shall have been issued by him;

or knowingly and wilfully issues any certificate for marriage, or solemnizes a marriage between such persons when one of the persons intending marriage, not being a

widower or widow, is a minor, before the expiration of fourteen days after the receipt of notice of such marriage, or without sending, by the post or otherwise, a copy of such notice to the Marriage Registrar, or, if there be more Marriage Registrars than one, to the Senior Marriage Registrar of the district;

or knowingly and wilfully issues any certificate, the issue of which has been forbidden under this Act by any person authorized to forbid the issue;

or knowingly and wilfully solemnizes any marriage forbidden by any person authorized to forbid the same,

shall be punished with imprisonment for a term which may extend to four years, and shall also be liable to fine.

73. Whoever, not being licensed to grant a certificate of marriage under Part VI. of this Act, grants such certificate intending thereby to make

for unlicensed person granting certificate intending to be licensed;

it appear that he is so licensed, shall be punished with imprisonment for a term which may extend to five years, and shall also be liable to fine.

74. Whoever wilfully destroys or injures, or causes to be destroyed or injured, any Register book or the counterfoil certificates thereof, or any part thereof, or any authenticatd extract therefrom,

or falsely makes or counterfeits any part of such register book or counterfoil certificates,

or wilfully inserts, or causes to be inserted, any false entry in any such Register book or counterfoil certificate or authenticated extract,

shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

75. All prosecutions under this Act shall be commenced within the space of two years after the offence is committed.

## PART VIII.

### MISCELLANEOUS.

76. No European British subject and no person domiciled in any country by the law of which polygamy is prohibited, shall acquire a right to practise polygamy by any change in his religious belief.

77. If any person who has contracted any such marriage as is provided for by this Act, or any other marriage which by the law to which he is subject would render any subsequent marriage during its continuance illegal, marries any other person during the continuance of such marriage, he shall, whatever religion he may profess at the time of such subsequent marriage, be deemed guilty of the offence described in section four hundred and ninety-four of the Indian Penal Code, and every such subsequent marriage shall be void.

78. Whenever any marriage has been solemnized in accordance with the provisions of sections four and five, it shall not be void merely on account of any irregularity in respect of any of the following matters, namely.

- (1).—Any statement made in regard to the dwelling of the persons married, or the consent of any person whose consent to such marriage is required by law :
- (2).—The notice of the marriage :
- (3).—The certificate or translation thereof :
- (4).—The time at which the marriage may have been solemnized.

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79. Every 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 entry, may, within one month next after the discovery of such error, in the presence of the persons married, or, in case of their death or absence, in the presence of two other credible witnesses, who shall respectively attest the same, 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 person shall make the like marginal entry, attested in the like manner, in the certificate thereof.

And, in case such certificate has been already transmitted to the Secretary to the Local Government, such person shall make and transmit in like manner a separate certificate of the original erroneous entry, and of the marginal correction therein made.

80. Every person solemnizing a marriage under this Act, and hereby required to register the same, and every Marriage Registrar or Secretary to a Local Government having the custody for the time being of any Register of marriages, or of any certificate or copies of certificate under this Act, shall, at all reasonable times, allow searches to be made of any marriage register book, or of any certificate, or duplicate, or copies of certificate, in his custody, and shall give a copy under his hand of any entry in the same, on the payment of the fees prescribed by the Local Government under section eighty-three.

81. Every certified copy purporting to be signed by the person entrusted under this Act with the custody of any marriage register or certificate, or duplicate certificate, required to be kept or delivered under this Act, of any entry of a marriage in such register, or of any such certificate or duplicate certificate, shall be received as evidence of the marriage purporting to be so entered, or of the facts purporting to be so certified therein, without further proof of such register or certificate, or duplicate copy, or of any entry therein, respectively, or of such copy.

82. The Secretary to the Local Government shall, at the end of every quarter in each year, select from the certificates of marriages forwarded to him during such quarter, the certificates of the marriages of which the Governor General of India in Council may desire that evidence shall be transmitted to England, and forward the same certificates, signed by him, to the Secretary of State for India, for the purpose of being delivered to the Registrar General of Births, Deaths, and Marriages.

83. The Local Government shall determine what fees shall be chargeable under this Act for Local Government to prescribe fees.

the receipt and publication of notices of marriages;

the issue of certificates of marriage and the registration of marriages by Marriage Registrars;

and for the entry of protests with, or prohibitions of, the issue of marriage certificates by the said Registrars;

for searching Register books, or certificates, or duplicates, or copies thereof;

and for the issue of copies of entries in the same under sections sixty-three and eighty;

and may from time to time vary or remit such fees either generally or in special cases, as to it may seem fit.

84. The Local Government may make rules in regard to the disposal of the fees mentioned in section eighty-three, the supply of Register books, and the preparation and submission of returns of marriages solemnized under this Act.

### SCHEDULE I.

#### NOTICE OF MARRIAGE.

To \_\_\_\_\_ a Minister [or Registrar] \_\_\_\_\_ 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):—

Names.	Condition.	Rank or Profession.	Age.	Dwelling-place.	Length of residence.	Church, chapel, or place of worship in which the marriage is to be solemnized.	District in which the other party resides, when the parties dwell in different districts.
<i>James Smith.</i>	<i>Widower.</i>	<i>Carpenter.</i>	<i>Of full age.</i>	<i>16, Clive Street.</i>	<i>23 days.</i>	<i>Free Church of Scotland Church, Calcutta.</i>	
<i>Martha Green.</i>	<i>Spinster.</i>	.....	<i>Minor.</i>	<i>20, Hastings' Street.</i>	<i>More than a month.</i>		

Witness my hand, this \_\_\_\_\_

day of \_\_\_\_\_

*seventy-two.*

(Signed) *JAMES SMITH.*

[The *Italics* in this schedule are to be filled up as the case may be, and the blank division thereof is only to be filled up when one of the parties lives in another district.]

## SCHEDULE II.

## CERTIFICATE OF RECEIPT OF NOTICE.

I,

do hereby certify that, on the \_\_\_\_\_ day of \_\_\_\_\_, notice was duly entered in my Marriage Notice Book of the marriage intended between the parties therein named and described, delivered under the hand of \_\_\_\_\_, one of the parties (that is to say) :—

Names.	Condition.	Rank or Profession.	Age.	Dwelling-place.	Length of residence.	Church, chapel, or place of worship in which the marriage is to be solemnized.	District in which the other party resides, when the parties dwell in different districts.
<i>James Smith.</i>	<i>Widower.</i>	<i>Carpenter.</i>	<i>Of full age.</i>	<i>16, Clive Street.</i>	<i>23 days.</i>	<i>Free Church of Scotland Church, Calcutta.</i>	
<i>Martha Green.</i>	<i>Spinster.</i>	<i>.....</i>	<i>Minor.</i>	<i>20, Hastings' Street.</i>	<i>More than a month.</i>		

and that the declaration required by section seventeen or forty-one of "The Indian Christian Marriage Act, 1872," has been duly made by the said (*James Smith*).

Date of notice entered  
Date of certificate given

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

Witness my hand, this

day of

seventy-two.

(Signed)

This certificate will be void unless the marriage is solemnized on or before the \_\_\_\_\_ day of \_\_\_\_\_

[The *Italics* in the schedule are to be filled up as the case may be, and the blank division thereof is only to be filled up when one of the parties lives in another district.]



SCHEDULE IV.

MARRIAGE REGISTER BOOK.

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Number.	WHEN MARRIED.			NAMES OF PARTIES.		Age.	Condition.	Rank or profession.	Residence at the time of marriage.	Father's name and Surname.
				Christian Name.	Surname.					
	Day.	Month.	Year.							
1				James .....	White .....	26 years .....	Widower ....	Carpenter ....	Agra .....	William White.
				Martha .....	Duncan .....	17 years .....	Spinster .....	.....	Agra .....	John Duncan.

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Married in the

This marriage was solemnized between us { James White, } in the presence of us { John Smith, }  
 { Martha Duncan, } { John Green. }

SCHEDULE IV.—continued.

CERTIFICATE OF MARRIAGE.

Number.	WHEN MARRIED.			NAMES OF PARTIES.		Age.	Condition.	Rank or profession.	Residence at the time of marriage.	Father's name and Surname.
				Christian Name.	Surname.					
	Day.	Month.	Year.							
1				<i>James</i> .....	<i>White</i> .....	<i>26 years</i> .....	<i>Widower</i> .....	<i>Carpenter</i> .....	<i>Agra</i> .....	<i>William White.</i>
				<i>Martha</i> .....	<i>Duncan</i> .....	<i>17 years</i> .....	<i>Spinster</i> .....	.....	<i>Agra</i> .....	<i>John Duncan.</i>

Married in the

This marriage was solemnized between us { *James White,*  
*Martha Duncan,* } in the presence of us { *John Smith,*  
*John Green.* }



## SCHEDULE V.

## ENACTMENTS REPEALED.

Number and year.	Title.	Extent of Repeal.
Statute 58 Geo. 3, cap. 84 ..	An Act to remove doubts as to the validity of certain marriages had and solemnized within the British territories in India.	The whole.
Statute 14 & 15 Vic., cap. 40..	An Act for marriages in India .....	The whole.
Act V. of 1852 .....	An Act for giving effect to the provisions of an Act of Parliament passed in the 15th year of the reign of Her present Majesty intituled "An Act for Marriages in India."	The whole.
Act V. of 1865 .....	The Indian Marriage Act, 1865.....	The whole.
Act XXII. of 1866 .....	An Act to extend the Indian Marriage Act, 1865, to the Hyderabad Assigned Districts and the Cantonments of Secunderabad, Trimungerry and Aurungabad.	The whole.

H. S. CUNNINGHAM,

*Officiating Secretary to the Council of the Governor General  
for making Laws and Regulations.*

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 19th March 1872, and was referred to a Select Committee with instructions to make their report thereon in a week :—

**Bill No. 8 of 1872.**

*A Bill to Amend Act XV. of 1859.*

WHEREAS, by Act XV. of 1859, provision was made for the grant of certain privileges to the inventors of new manufactures; and whereas it is desirable that provision should be made for the grant of similar privileges to the inventors of new patterns and designs in British India; It is hereby enacted as follows:—

1. This Act may be called "The Patterns and Designs Protection Act, 1872;"

Short title.

It extends to the whole of British India, and shall come into force on the passing thereof.

Extent.  
Commencement.

2. At the end of section one of the said Act Addition to section I. XV. of 1859, the following shall be read :—

"For the purposes of this Act, 'New manufacture' shall be deemed to include any new and original pattern or design, or the application of such pattern or design to any substance or article of manufacture."

3. At the end of section IV. of the said Act the following shall be read:—

"Provided that in the case of a pattern or design or the application thereof to any substance or article of manufacture, such privilege shall be granted for the term of three years and no more."

4. After section XXXVII. of the said Act XV. of 1859, the following shall be read :—

Addition to Act XV. of 1859 after section XXXVII.

"XXXVII A. Whenever, by any law for the time being in force in the United Kingdom, any person is entitled in the United Kingdom to an exclusive right in any pattern or design or in the application of such pattern or design to any substance or article of manufacture, such person shall be entitled in British India to the sole and exclusive right in such pattern or design or in such application thereof, and shall be entitled in British India to the same civil remedies in respect of any infringement thereof in British India, as those to which he would be entitled in the United Kingdom."

5. This Act shall be read with and as part of the said Act XV. of 1859.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is (1st) to provide that the privileges conferred by Act XV. of 1859 on the inventors of new manufactures, may be extended to the inventors of new patterns and designs;

and (2ndly), to provide for the enforcement in Indian Courts, of the rights of persons who have registered patterns and designs in the United Kingdom according to the English law, in the case of the infringement of those rights in British India.

(Signed) R. STEWART.

The 18th March 1872.

H. S. CUNNINGHAM,

Officially Secretary to the Council of the Governor General for making Laws and Regulations.