

## CHAPTER 95.

## CHRISTIAN MARRIAGE.

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**CHAPTER 95.**

CHRISTIAN MARRIAGE.

**An Ordinance to Consolidate and Amend the Law Regulating Christian Marriages in the Colony and Protectorate of Sierra Leone.** 22 of 1906.  
Sec. 30 of No.  
12 of 1924.  
Sec. 24 of No.  
44 of 1924.  
17 of 1926.

[1ST APRIL, 1907.]

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

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

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

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

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

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

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

On three  
Sundays.

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

Notice of  
publication.

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

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

Certificate of  
banns.

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

Licence.

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

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

Affidavit of  
no impedi-  
ment.  
5 and 6  
Wm. IV.,  
c. 62.

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

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

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

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

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

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

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

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

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

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

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

Marriage when invalid.

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

Without banns or licence.

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

Impediment.

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

False names.

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

Not in presence of two witnesses.

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

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

Registration.

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

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

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

(4) On application and subject to payment being made therefor, the Registrar General shall supply ministers in charge as aforesaid with marriage register books.

12. The minister having the keeping for the time being of any such marriage register book, or any certified copy thereof, shall at all reasonable times, and subject to payment of the prescribed fees, allow searches to be made in such books or certified copies in his keeping, and shall, subject to payment of the prescribed fees, give a certified copy under his hand of any entry in the same.

Searches.

13. No person charged with the duty of registering any marriage, who shall discover any error to have been committed in the form or substance of any such entry, shall be therefore liable to any of the penalties imposed by the General Registration Ordinance, or any Ordinance amending the same, if within one month next after the discovery of such error he shall correct, in the presence of the parties married, the erroneous entry in the marriage register book 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 shall send to the Registrar General an exact copy of the page in the marriage register book, showing the original entries as well as the corrections.

Correction of accidental errors in register.  
Cap. 255.

14. Any person upon whom any duties of registration are imposed by this Ordinance shall be in respect of such duties an officer in the department of the Registrar General, and the provisions of the General Registration Ordinance, or any Ordinance amending the same, shall be deemed to be incorporated with this Ordinance so far as the same are applicable.

Person having duties of registration to be deemed an officer of Registrar General's department.  
Cap. 255.

15. Any minister who celebrates a marriage knowing of one or other of the impediments mentioned in section 7 of this Ordinance, or otherwise than within the period and hours specified in section 9 hereof, or without due publication of banns or authority of a licence duly obtained, or in a place other than the place specified in the licence, shall be guilty of an offence, and liable on conviction thereof to a fine not exceeding one hundred pounds or imprisonment, with or without hard labour, for one year, or to both:

Liability of minister unlawfully celebrating marriage.

Provided always that no minister who shall celebrate any marriage after due publication of banns or by licence, or between persons both or one of whom (not being a widow or widower)

Proviso as to marriage of minors without consent.

shall at the time of such marriage be under the age of twenty-one years, shall be answerable or responsible or liable to any pain, penalty or proceeding for having celebrated such marriage without the consent of the parent or guardian or other person (if any) whose consent is required by law, unless such parent, guardian or other person shall forbid the marriage or give notice thereof to such minister before he has celebrated the same.

Bigamy.

**16.** Whoever is guilty of bigamy shall on conviction be liable to imprisonment, with or without hard labour, for any period not exceeding seven years.

For the purpose of this section, a marriage made in accordance with native law and custom shall not be deemed to be a marriage.

Marriage with person previously married.

**17.** Whoever, being unmarried, goes through the ceremony of marriage with a person whom he or she knows to be married to another person, whether the other party to the ceremony has or has not such guilty knowledge as to be guilty of bigamy, shall be liable to imprisonment, with or without hard labour, for any period not exceeding five years.

For the purpose of this section a marriage made in accordance with native law and custom shall not be deemed to be a marriage.

False declaration, etc., for banns or licence.

**18.** Whoever in any declaration, affidavit or statement required by law to be made for the purpose of enquiries antecedent to the publication of banns, or for the purpose of causing banns to be published, or a licence to be granted, declares, swears or states, any material matter which is false, shall, if he does so without having taken reasonable means to ascertain the truth or falsity of such matter, be liable to imprisonment for one year, or shall, if he does so knowing that such matter is false, on conviction be liable to imprisonment, with or without hard labour, for any period not exceeding five years.

False pretence of impediment to marriage.

**19.** Whoever endeavours to prevent a marriage by pretence that his consent thereto is required by law, or that any person whose consent is so required does not consent, or that there is any legal impediment to the performing of such marriage, shall, if he does so knowing that such pretence is false or without having reason to believe that it is true, on conviction, be liable to imprisonment, with or without hard labour, for any period not exceeding two years.

Personation.

**20.** Whoever personates any other person in marriage or marries under a false name or description, with intent to deceive

the other party to the marriage, shall, on conviction, be liable to imprisonment, with or without hard labour, for any period not exceeding five years.

21. Whoever goes through the ceremony of marriage, or any ceremony which he or she represents to be a ceremony of marriage, knowing that the marriage is void on any ground and that the other person believes it to be valid, shall, on conviction, be liable to imprisonment, with or without hard labour, for any period not exceeding five years.

Fictitious marriage.

22. Whoever fails to comply with any duty imposed by this Ordinance for non-performance of which no special penalty or punishment is prescribed by this Ordinance or by any Ordinance hereafter amending the same and whoever fails to comply with any rules made under this Ordinance, shall be liable, on summary conviction thereof, to a fine not exceeding five pounds for each such offence.

Non-performance of statutory duties.

23. All offences under this Ordinance shall upon committal from Courts having summary jurisdiction be tried upon information before the Supreme Court.

Mode of trial of offences.

24. (1) All marriages celebrated in a Christian place of worship before this Ordinance comes into force, which by law were valid at the date when this Ordinance comes into force, or which, if so celebrated after such date, would have been valid under the provisions of this Ordinance, shall be deemed valid from the date of the celebration thereof unless lawfully dissolved.

Existing marriages generally.

(2) All marriages celebrated in a Christian place of worship in the Protectorate before the date when this Ordinance comes into force according to the forms and ceremonies of the religious denomination to which such place of worship belongs shall be deemed valid from the date of the celebration thereof:

In the Protectorate.

Provided that nothing herein contained shall legalise any marriage which has been lawfully dissolved, nor any marriage either party to which had at the time of its celebration a lawful wife or husband living, nor any marriage between persons within the degrees of affinity or consanguinity specified in sub-section (1) of section 7, nor any marriage which if celebrated after the commencement of this Ordinance would have been void under sub-sections (b) and (c) of section 10.

Power to Governor in Council to make rules.

25. It shall be lawful for the Governor in Council from time to time to make rules—

(a) prescribing the forms of registers, notices and certificates; until such forms are prescribed the forms hitherto in use shall continue to be used;

(b) prescribing the amount of the fees to be paid, and the person to whom such fees shall be paid, for granting licences, permitting searches and for issuing certified copies or certified extracts required by this Ordinance. Until otherwise prescribed such fees shall be regulated by Schedule B hereto;

(c) for giving effect to this Ordinance and for regulating the duties and powers of the Registrar General in respect thereof.

Effect of marriage with native on property.

26. A marriage celebrated under this Ordinance to which one of the parties is a native shall not have any effect on the property of such native:

Provided that nothing herein contained shall have the effect of preventing the parties to such marriage from coming to an agreement with respect to the control and enjoyment of their respective properties or of preventing such parties from disposing, by legal procedure and means, of their respective properties after their respective deaths.

The property of parties to a marriage celebrated under this Ordinance shall, if both be natives, be subject in all respects to the laws and customs of the tribe or tribes to which the parties respectively belong.

Ministers to forward descriptions of place of worship to Registrar General.

27. Ministers who desire to celebrate marriages under this Ordinance shall forward from time to time to the Registrar General adequate descriptions of the place or places of worship wherein or in respect of which marriage register books are intended to be kept.

Marriage *in articulo mortis*.

28. Nothing in this Ordinance shall be deemed to make it an illegal act to celebrate a marriage *in articulo mortis*, provided that such marriages shall not have any effect on the property of the parties to the marriage.

Marriage not enforceable because of promise to marry, etc.

29. In no case whatsoever shall any suit or proceeding be had in any court or before any jurisdiction whatsoever to compel the celebration of any marriage by reason of any promise or marriage contract entered into, or by reason of seduction, or of any cause whatsoever which shall arise after the passing of this Ordinance, any law or usage to the contrary notwithstanding:

Provided always, that nothing herein contained shall prevent any person aggrieved from suing for, or recovering, damages in any court, or by any proceeding wherein and whereby damages may be lawfully recovered for breach of promise of marriage or for seduction, or other cause as aforesaid.

Damages for breach of promise.

30. Nothing in this Ordinance contained shall prevent any minister from receiving, for any duty performed by him under this Ordinance, such fees or payments as have heretofore been customarily paid to such minister or may be agreed upon between him and the party or parties for whom such duties have been performed.

Continuing payments to ministers.

SCHEDULE A.

Sec. 6.

FORM OF LICENCE OF MARRIAGE.

Whereas ye are minded, as it is said, to enter into a contract of marriage, and are desirous that the same may be speedily and publicly solemnised; and whereas you, C.D. (or you E.F.) have made a sworn declaration that you believe there is no impediment of kindred or alliance, or other lawful hindrance to the said marriage, and that you C.D. (or E.F.) not being a widower (or widow) are (or is) under the age of twenty-one years, and that the consent of G.H., whose consent to your (or his or her) marriage is required by law, has been obtained thereto (or that there is no person having authority to give such consent): Now, therefore, I by virtue of the power and authority vested in me in that behalf do hereby grant unto you, the aforesaid C.D. and E.F., full licence and permission to proceed to solemnise such marriage:

Provided that the said marriage be publicly solemnised in the presence of two witnesses, beside the minister solemnising the same, within three calendar months from the date hereof, in the (here describe the church, chapel or building in which the marriage is to be solemnised) between the hours of eight in the forenoon and three in the afternoon.

Signed,
(Registrar General
or District Commissioner).

SCHEDULE B.

Sec. 25.
Rules 21 of
1929.

FEEES.

Table with 3 columns: Description, £, s., d.
For a licence to marry without banns ... 2 2 0
For searching the Marriage Register Book, to be paid to the Registrar General or to the minister permitting the search, one shilling for every half-hour or fraction thereof during which the search shall continue—
For a certified extract ... 0 5 0