

No , 1923.

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# A BILL

To amend the Marriage Act of 1899, in certain respects.

[MR. MAIN ;—9 October, 1923.]

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**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of  
5 the same, as follows :—

**1.** This Act may be cited as the "Marriage (Amend- Short title.  
ment) Act, 1923," and shall be read with Marriage Act, 1899, herein referred to as the Principal Act.

**2.** The Principal Act is amended by omitting all the Amendment  
10 words in the Second Schedule after the word "married " of Principal  
when it first occurs and by inserting in lieu thereof the Act, Second  
words "and that the place where Mary Edwards ordinarily Schedule.  
resides is at (*state usual place of residence*).

Signed by the parties this                    day of  
15                    19                    , before me.

(Signatures)"

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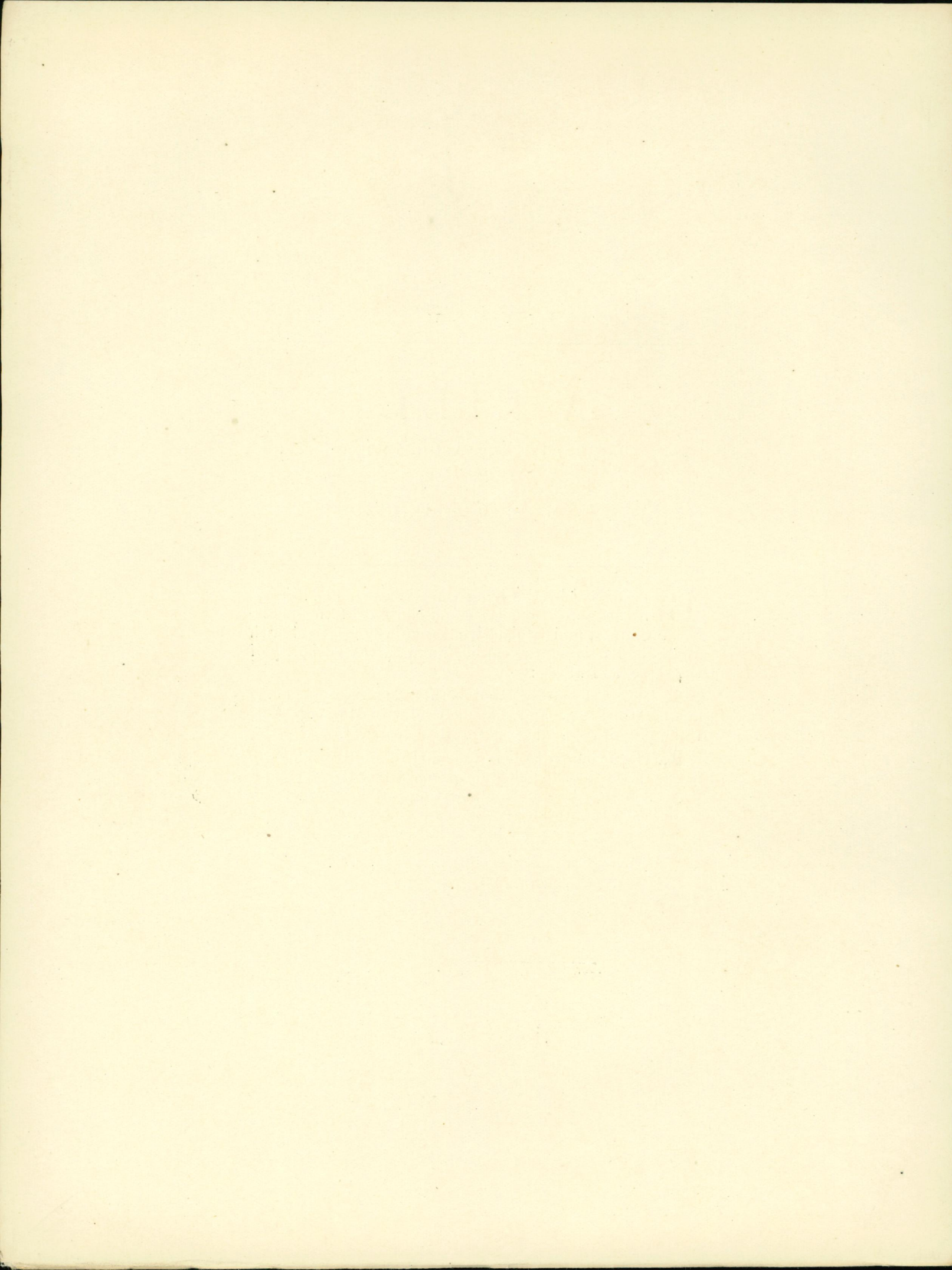
Sydney: Alfred James Kent, Government Printer—1923.

[4d.]

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No. , 1923.

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## A BILL

To declare the impugning of marriages celebrated in accordance with the Marriage Act, 1899, to be unlawful; to make certain provisions as to certificates of marriage; to declare marriages between a woman and her deceased husband's brother, valid in law; to amend the Marriage Act, 1899, and certain other Acts; and for purposes connected therewith.

[MR. LEY;—22 *November*, 1923.]

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**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**1.** This Act may be cited as the "Marriage Amendment Act, 1923," and shall be read with the Marriage Act, 1899, hereinafter called the Principal Act. Short title.



Amendment of  
Part IV of  
Marriage Act,  
No. 15 of 1899,  
new s. 18A.

Marriage  
with deceased  
brother's  
widow.

**2.** Part IV of the Principal Act is amended by inserting the following new section next after section eighteen :—

18A. (1) Every marriage, otherwise lawful, celebrated in New South Wales before or after the passing of the Marriage Amendment Act, 1923, between any person and the widow of his deceased brother shall be deemed and is hereby declared to have been and to be valid and of full force and effect any law or custom to the contrary notwithstanding. 5 10

(2) This section shall not validate any such marriage where a decree of nullity has, prior to the passing of the Marriage Amendment Act, 1923, been pronounced in respect thereof by a court of competent jurisdiction. 15

(3) Any petition for such a decree pending at the said date may be proceeded with and determined as if this section had not been passed.

Amendment of  
Part VII of  
same Act.

New sections  
28, 29, 30, 31.

Offence to  
deny or  
impugn  
validity of  
lawful  
marriages.

N.Z. Act,  
No. 65 of  
1920, s. 7.

**3.** Part VII of the Principal Act is amended by the addition at the end of the following new sections :— 20

28. (1) Every person commits an offence against this Act, and is liable on summary conviction to a penalty not exceeding *one hundred* pounds, either alone or with imprisonment for a term not exceeding *twelve* months, who— 25

(a) alleges, expressly or by implication, that any persons lawfully married are not truly and sufficiently married; or

(b) alleges, expressly or by implication, that the issue of any lawful marriage is illegitimate or born out of true wedlock. 30

(2) "Alleges" in this section means making any verbal statement, or publishing or issuing any printed or written statement, or in any manner authorising the making of any verbal statement, or in any manner authorising or being party to the publication or issue of any printed or written statement. 35

(3) A person shall not be deemed to make an allegation contrary to the provisions of this section 40  
by



by reason only of using in the solemnisation of a marriage a form of marriage service which at the commencement of the Marriage Amendment Act, 1923, was in use by the religious denomination to which such person belongs, or by reason only of the printing or issue of any book containing a copy of a form of marriage service in use at the commencement of the said Act by any religious denomination.

29. Every minister or person officiating as such commits an offence against this Act and is liable upon summary conviction to a penalty not exceeding *one hundred* pounds, either alone or with imprisonment for a term not exceeding *twelve* months, who, having performed any ceremony of marriage between two persons who are to his knowledge already lawfully married in accordance with the provisions of this Act and whose marriage has not been dissolved, certifies that a marriage has been celebrated by him between the said persons, without in the certificate making reference to the fact that the parties have already been lawfully married.

Offence to certify upon remarriage of persons already lawfully married.

30. (1) The Governor may, by notification in the Gazette, deprive any person of the right to celebrate marriages under this Act, where such person—

Deprivation of right to celebrate marriages.

- (a) is convicted of any felony or misdemeanour, or of any breach of this Act; or
- (b) is guilty of any misconduct in the celebration of any marriage; or
- (c) is, in the opinion of the Minister, making a business of celebrating marriages for the purpose of profit or gain, irrespective of carrying out the ordinary duties of a minister of religion;

and thereupon the Registrar-General shall cause the name of such person to be removed from the register kept in his office.

(2) The Governor may in like manner annul any such deprivation.



Disqualifica-  
tion and  
removal from  
register.

31. (1) Any person convicted of an offence under either section twenty-eight or section twenty-nine of this Act shall be disqualified under this Act from celebrating marriages.

(2) The clerk of the court in which the accused is convicted shall forward to the Registrar-General a certificate of the conviction. 5

(3) The certificate shall not be so forwarded until the expiration of the time limited for the initiation of any proceedings by way of appeal from the conviction. 10

(4) If any such proceedings are initiated, the certificate shall not be so forwarded until the proceedings are finally disposed of, and if the conviction is quashed or set aside, shall not be so forwarded. 15

(5) Upon receipt of the certificate the Registrar-General shall, if the person convicted is a person registered in his office as a minister of religion ordinarily officiating as such under this Act, cause the name of the person convicted to be removed from the register, and shall notify the fact of the removal in the Gazette. 20