

THE PAST MARRIAGES ORDINANCE OF 1898. ⁽¹⁾

No. 9 of 1898.

An Ordinance to Remove Doubts as to the Validity of Certain Marriages.

BE it enacted by the Administrator of British New Guinea with the advice and consent of the Legislative Council thereof as follows:—

1. Any marriage solemnized between any persons of whatever descent prior to the date of the coming into force of this Ordinance in any part of the Territory that now constitutes the Possession of British New Guinea before any missionary or teacher of any Christian mission or before any minister of religion of any denomination of Christians may by Order of the Administrator in Council be declared to be a valid marriage.

Certain past marriages may be declared valid.

2. When it is desired to obtain an Order of the Administrator in Council declaring a marriage to be a valid marriage an application in writing must be sent to the Government Secretary. If both parties to a marriage are living both must make the application. If only one party to a marriage is living such person must make the application. Every application may in the absence of any special form that may hereafter be prescribed by the Administrator be as nearly as circumstances admit in Form 1 or 2 in Schedule A hereto. Every application shall be signed by the applicants or applicant in the presence of and be attested by a justice of the peace or a European officer of the Government or a European minister of a Christian religion residing in the Possession.

Who may apply to have past marriage declared valid.

3. The Administrator may require any applicant to furnish such evidence in support of his application or to give such public notice of such application having been made as he the Administrator may consider necessary.

Evidence in support of application may be required.

(1) Particulars of this Ordinance of British New Guinea (which was continued in force in the Territory of Papua by Section 6(1) of the *Papua Act 1905*) are as follows:—

Date of assent by Administrator.	Date on which published in British N.G. <i>Govt. Gaz.</i>	Date on which took effect.
12.9.1898	12.9.1898	12.9.1898 (Supplement to British N.G. <i>Govt. Gaz.</i> of 10.9.1898)

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Inquiry may be held by justice.

4. The Administrator may at the cost of the applicant empower any justice of the peace to hold an inquiry into any matter connected with or arising out of an application aforesaid. A justice for the purposes of any such inquiry may summon and compel the attendance of any person and may take the evidence of any person on oath or affirmation in any language or dialect either directly from such person or through the medium of an interpreter. All evidence taken at any such inquiry shall be written down in the English language and be forwarded together with a report upon the subject matter of such inquiry by the justice holding the inquiry to the Government Secretary.

How application to be dealt with by Executive Council.

5. When an application aforesaid comes before the Administrator in Council he shall if satisfied that sufficient information is before him to enable him to deal with the application proceed to deal with it. If the Administrator in Council considers that the marriage to which the application relates should be declared to be a valid marriage he may by Order in Council which Order may be in the form in Schedule B hereto or in such form as the Administrator in Council may from time to time prescribe declare that such marriage is to be deemed to have been a valid marriage from a date to be specified in such Order and which date is to be fixed by the Administrator in Council. It shall be in the absolute discretion of the Administrator in Council whether he does or does not make such an Order.

Validated marriage from what time to be deemed validated.

6. Upon the making of an Order in Council declaring a marriage to be a valid marriage such marriage shall be deemed to have been a valid marriage from the time from which it is in such Order declared that such marriage is to be deemed to have been a valid marriage.

Registration of validated marriage.

7. The Registrar-General shall on receiving from the Government Secretary a duplicate original of an Order in Council aforesaid under the hands of the Government Secretary and of the Clerk of the Executive Council register the marriage to which such Order relates together with such particulars as the Registrar-General deems necessary in a special register to be kept by him for that purpose. Any person may obtain a copy of the registered entry of the particulars relating to any marriage as such entry appears in such register certified under the hand and seal of the Registrar-General to be a correct copy of such entry on payment of the sum of two shillings. Every such certified copy shall be received in all courts of law as sufficient evidence of the marriage to which it relates.

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8. The Administrator in Council may make and promulgate regulations⁽²⁾ not being contrary to the provisions of this Ordinance for the due and effectual execution of this Ordinance and the objects thereof and respecting any matters or things necessary to give effect to such objects and from time to time may revoke and alter such regulations. All such regulations shall be published in the *Gazette* and they shall be subject to be disallowed by Her Majesty.

Regulations may be made.

9. The validation of a marriage under this Ordinance shall not be deemed to affect the validity of any marriage contracted before the coming into force of this Ordinance.

Validation not to disturb certain other marriages.

10. This Ordinance may be cited for all purposes as *The Past Marriages Ordinance of 1898*.⁽¹⁾

Short title.

SCHEDULE A.

(FORM 1.)

Application under "The Past Marriages Ordinance of 1898" to have a Marriage declared valid.

We [*names of husband*] at present residing at [*state locality fully*] in the Possession of British New Guinea and following the vocation of a [*state vocation*] and [*names of wife*] his wife hereby request that our marriage may be declared valid. In support of our application we allege the following facts—

1. We were married at [*state locality in full*] which place is in the Possession of British New Guinea.

2. We were married on the _____ day of _____, 18 _____.

3. We were married before [*give names of Missionary or teacher and to what mission he belonged*] in [*state whether a church or where*].

4. To the best of our knowledge the said [*husband*] is now of the age of _____ years and the said [*wife*] of the age of _____ years.

5. To the best of our knowledge and belief there was nothing at the time that we married which made it wrong or unlawful for us to marry each other.

6. We have lived together as man and wife from the time that we were married until now.

7. The name of the father of the said [*husband*] is [*or was*] _____ and he is [*or was*] a native of _____ . The name of the mother of the said _____ is [*or was*] _____ and she is [*or was*] a native of _____

8. The name of the father of the said [*wife*] is [*or was*] _____ and he is [*or was*] a native of _____ . The name of the mother of the said [*wife*] is [*or was*] _____ and she is [*or was*] a native of _____

Witness our hands this _____ day of _____, 18 _____.

Signed by the said _____ }
in my _____ }
presence

(FORM 2.)

Application under "The Past Marriages Ordinance of 1898" to have a Marriage declared valid.

I _____ at present residing at _____ in the Possession of British New Guinea and following the vocation of a _____ hereby

(1) See footnote (1) printed on p. 2901.

(2) No regulations have been made.

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request that my marriage with _____ may be declared valid. In support of my application I allege the following facts—

1. I and the said _____ were married at _____ which place is in the Possession of British New Guinea.

2. I and the said _____ were married on the _____ day of _____, 18 _____.

3. I and the said _____ were married before _____ in _____.

4. To the best of my knowledge I am now of the age of _____ years and the said _____ at the date of _____ death was of the age of _____ years.

5. That to the best of my knowledge and belief there was nothing at the time that I and the said _____ married which made it wrong or unlawful for us to marry each other.

6. I and the said _____ lived together as man and wife from the time that we were married until the death of the said _____ which took place at _____ on the _____ day of _____, 18 _____.

7. The name of my father is [or was] _____ and he is [or was] a native of _____ The name of my mother is [or was] _____ and she is [or was] a native of _____.

8. The name of the father of the said _____ is [or was] _____ and he is [or was] a native of _____ The name of the mother of the said _____ is [or was] _____ and she is [or was] a native of _____.

Witness my hand this _____ day of _____, 18 _____.

Signed by the said _____ in my }
presence

SCHEDULE B. ORDER IN COUNCIL.

Under "The Past Marriages Ordinance of 1898."

It is ordered and declared by the Administrator in Council that the marriage of the man _____ to the woman _____ shall be deemed to have been a valid marriage from and inclusive of the _____ day of _____ One thousand eight hundred and _____.

Particulars.

1. Present residence and vocation of husband:
2. Name and particulars of minister or teacher before whom marriage celebrated:
3. Place at or in which marriage celebrated:
4. Names of the parents of the husband:
5. Names of the parents of the wife:
6. Ages of the husband and wife:
Made the _____ day of _____ One thousand eight hundred and ninety _____.

Government Secretary.
Clerk of Executive Council.