



# Ceylon Govt. Gazette

EXTRAORDINARY

Published by Authority.

No. 5,323—SATURDAY, NOVEMBER 24, 1894.

PART I.—General: Minutes, Proclamations, Appointments,  
and General Government Notifications.

PART III.—Provincial Administration.  
PART IV.—Marine and Mercantile.  
PART V.—Municipal and Local.

PART II.—Legal and Judicial.

*Separate paging is given to each Part in order that it may be filed separately.*

## Part II.—Legal and Judicial.

	PAGE		PAGE
Passed Ordinances ... ..	—	Supreme Court Notices ... ..	—
Draft Ordinances ... ..	225	District Court Notices ... ..	—
Treaties, Conventions, &c. ... ..	—	Minor Court Notices ... ..	—
Notifications of Criminal Sessions ... ..	—	Notices of Insolvency ... ..	—
Lists of Jurors ... ..	—	Notices of Fiscals' Sales ... ..	—
Appointments of Marshals ... ..	—	Miscellaneous Notices ... ..	—

## DRAFT ORDINANCES.

### MINUTE.

The following Draft of a proposed Ordinance is published for general information:—

An Ordinance to amend and consolidate the Law relating to the registration of Births and Deaths.

Preamble.

WHEREAS it is expedient to amend and consolidate the law relating to the registration of Births and Deaths in the Island of Ceylon, and to provide for their better registration: It is hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:

Short title.

1 This Ordinance may be cited as "The Births and Deaths Registration Ordinance, 1894," and shall come into operation on such day as the Governor shall, by Proclamation to be published in the *Government Gazette*, appoint.

Date of operation.

## Repeal.

**2** (1) The Ordinances, rules, and regulations specified in the first schedule to this Ordinance are hereby repealed, from and after the commencement of this Ordinance, to the extent specified in the third column of that schedule, provided that the rules and regulations now in force under any of the said Ordinances shall, so far as consistent with this Ordinance, continue to be in force until rules for the same purpose are framed, published, and come into force under section 9 of this Ordinance, whereupon they shall be repealed.

(2) This repeal shall not affect—

- (a) The past operation of any Ordinance, rule, or regulation hereby repealed, nor anything duly done or suffered under any Ordinance, rule, or regulation hereby repealed ; or
- (b) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any Ordinance, rule, or regulation hereby repealed ; or
- (c) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any Ordinance, rule, or regulation hereby repealed ; or
- (d) Any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid, and any such investigation, legal proceeding, and remedy may be carried on as if this Ordinance had not passed ; nor
- (e) Shall such repeal revive any Ordinance, rule, regulation, right, office, privilege, matter, or thing not in force or existing at the commencement of this Ordinance.

(3) Where any unrepealed Ordinance incorporates or refers to any provision of any Ordinance, rule, or regulation hereby repealed, such unrepealed Ordinance shall be deemed to incorporate or refer to the corresponding provision of this Ordinance.

## Interpretation.

**3** In this Ordinance, if not inconsistent with the context—

The term “birth” and its derivatives mean the birth of a human being, and include the birth of any child which lived for however short a period after complete separation from the body of its mother ;

The term “death” and its derivatives mean the death of any human being ;

The term “still-birth” means a child born dead during any period of pregnancy, and includes an abortion ;

The term “the island” or “this island” means the Island of Ceylon ;

The term “the Governor” means the person for the time being administering the Government of Ceylon ;

The term “government agent” includes any person appointed by the Governor to act as government agent ;

The term “assistant government agent” includes any person appointed by the Governor to act as assistant government agent ;

The term “province” means any of the divisions of the island now called and known as provinces, and forming the territorial jurisdiction of a government agent, or any division that may hereafter be duly made by the Governor in lieu of such division ;

The term “district” or “revenue district” means the subdivision of a province forming the territorial jurisdiction of an assistant government agent, or any subdivision that may hereafter be duly made by the Governor in lieu of such subdivision.

The term “public institution” includes a prison, lock-up, lunatic asylum, hospital, reformatory, industrial school, barracks, military quarters, and any charitable or other institution which is under the management of a public body or officer.

The term "house" includes a public institution as above defined.

The term "occupier" includes the keeper, master, matron, superintendent, or other chief resident officer of every public institution, and where a house is let in separate apartments or lodgings, includes any person residing in such house who is the person under whom such lodgings or separate apartments are immediately held, or his agent;

The term "estate" means any land having ten acres or more in cultivation, and situated in a district appointed under the Medical Wants Ordinance, No. 17 of 1880;

The term "superintendent of an estate" means the person having the immediate charge and supervision of the labourers and work on an estate, and includes the person who may be acting for such superintendent;

*Explanation.*—The duties and liabilities imposed by this Ordinance upon a superintendent shall attach to him, unless and until he proves to the satisfaction of a court that he was absent from the estate, and had appointed a competent person to have charge and supervision of the labourers and work on the estate in his stead.

The term "sign" includes "marking" when the person liable to sign is unable to sign his name in writing;

The term "relative" includes a relative by marriage;

The term "registered medical practitioner" means a person holding a qualification which would entitle him to be registered under the following Acts of the Imperial Parliament, to wit: "The Medical Act (21 and 22 Vic. c. XC.) and the Medical Act, 1886 (49 and 50, Vic. c. XLVIII.), or any other Acts of the Imperial Parliament which may be enacted in lieu thereof;

The term "coffin" includes every description of case or covering in which dead bodies are taken for burial, cremation, or other disposal;

The term "inquirer into deaths" includes a police magistrate.

Appointment of Registrar-General, and his duties.

4 (1) It shall be lawful for the Governor to appoint one Registrar-General of Births and Deaths in the Island, and at any time when the Governor shall think fit to remove such Registrar-General and to appoint some other person in his place, or in place of any Registrar-General who shall have died or resigned office, or who shall have been granted leave of absence from his duties.

(2) In the Registrar-General shall be vested, subject to the orders of the Governor, the general control and superintendence of the registration of births and deaths in the island, and of all persons appointed for or engaged in carrying out the provisions of this Ordinance.

(3) The person who now holds the office of Registrar-General or Acting Registrar-General shall be deemed to have been duly appointed under this Ordinance, and shall exercise all the powers and privileges of the Registrar-General until another appointment is made by the Governor.

Appointment of provincial registrar and assistant provincial registrar, and their duties

5 (1) The government agent for the time being of each province shall be the provincial registrar of births and deaths in the province, and the assistant government agent for the time being of each revenue district shall be the assistant provincial registrar of births and deaths in the revenue district.

(2) The provincial registrar and assistant provincial registrar shall each in his province and district superintend and control, subject to the Registrar-General, the registration of births and deaths, and the divisional registrars hereinafter mentioned, and all persons appointed for or engaged in carrying out the provisions of this Ordinance.

(3) The provincial registrar and assistant provincial registrar shall each in his province and district exercise the powers of a divisional registrar.

Appointment of additional provincial registrar and assistant provincial registrar.

6 It shall be lawful for the Governor to appoint any person as additional provincial registrar of births and deaths or as additional assistant provincial registrar of births and deaths, and such registrars so appointed at pleasure to remove, or to appoint some other person in his place or in the place of any such registrar who shall have died or resigned office or have been granted leave of absence from his duties. Such additional provincial registrar and additional assistant provincial registrar shall have the powers and privileges of a provincial registrar and assistant provincial registrar respectively.

Appointment of registration divisions.

7 It shall be lawful for the Governor, with the advice of the Executive Council, by notification in the *Government Gazette*, to divide the several revenue districts of the island into such and so many divisions for the purposes of the registration of births and deaths as shall appear expedient, and such divisions at any time, with the like advice, to alter or abolish. Each such division shall be called a registration division.

Appointment of divisional registrars.

8 It shall be lawful for the Governor to appoint one registrar to each such division, and such registrar at pleasure to remove and to appoint some other person in his place or in the place of any registrar who shall have died or resigned office or been granted leave of absence from his duties. The registrar of a division shall be called a divisional registrar.

Provided that in case of the death, sudden illness, or incapacity of the registrar of a division, or other emergency, it shall be lawful for the assistant provincial registrar or, if there be no assistant provincial registrar, for the provincial registrar, by writing under his hand to appoint a person to act as registrar for such division for any period not exceeding three days in any month. Such acting appointment shall be forthwith notified by the assistant provincial registrar or provincial registrar to the Registrar-General and notified in the *Government Gazette*, and shall be entered by the assistant provincial registrar in a book to be kept by him for that purpose.

Rules by the Governor in Executive Council.

9 (1) It shall be lawful for the Governor, with the advice of the Executive Council, from time to time to make rules consistent with this Ordinance for the direction of the Registrar-General, the provincial registrars, assistant provincial registrars, divisional registrars, and of all persons whatsoever in the discharge of their duties under this Ordinance, and generally for the effective carrying out of its provisions, and such rules, with the like advice, to revoke or alter.

(2) Rules made in pursuance of this section shall be published in the *Government Gazette* in two successive issues in the English, Sinhalese, and Tamil languages, and shall then be binding.

(3) Breach of any such rule shall be an offence, and punishable with a fine not exceeding one hundred rupees, or imprisonment, simple or rigorous, for a period not exceeding three months, or with both fine and imprisonment.

Residence, office, and station of registrar.

10 (1) Every divisional registrar shall dwell and have his office in such convenient place in his division as shall be appointed by the Registrar-General, and shall, if so directed by the Registrar-General, have within his division a station or stations as may be approved by the Registrar-General, and every such station shall for the purpose of this Ordinance, with respect to the attendance of persons and the registration of births and deaths at the office of the registrar, be deemed to be his office.

(2) He shall attend at his dwelling-house or office and at each station on the days and at the hours appointed by the Registrar-General, and shall cause his name, with the addition of registrar of births and deaths of the district of which he is registrar, and the hours of his attendance as appointed by

the Registrar-General, to be placed in legible characters in the English, Sinhalese, and Tamil languages in a conspicuous place on or near the entrance of his dwelling-house, office, and station.

Duty of registrar to ascertain and register every birth and death in his division.

11 (1) It shall be the duty of every divisional registrar to inform himself carefully of every birth and every death that shall happen in his division after the commencement of this Ordinance, and to learn and register accurately and with all convenient despatch the particulars required to be registered of births and deaths respectively in books which shall be supplied by the Registrar-General according substantially to the forms A and B in the second schedule hereto.

(2) Every such entry shall be made in foil and counterfoil in the order of the time in which information satisfactory to the registrar shall have been given, and the entry shall be numbered progressively from the beginning to the end of the book, and shall be signed by him.

Transmission of counterfoil to Registrar-General.

(3) He shall at the end of each week or month or other period fixed by the Registrar-General forward the counterfoil to the assistant provincial registrar or, if there be no assistant provincial registrar, to the provincial registrar for transmission to the Registrar-General, who shall keep and preserve the same in his office; and if no birth or death shall have been registered during the period, the registrar shall send to the assistant provincial registrar or, if there be no assistant provincial registrar to the provincial registrar, for transmission as aforesaid a certificate that no birth or death, as the case may be, was registered.

#### *Registration of Births.*

Information concerning birth to be given to registrar within forty-two days, and by whom.

12 In the case of every child born alive after the commencement of this Ordinance, it shall be the duty of the father and mother of the child, and in default of the father and mother, of the occupier of the house in which to his knowledge the child is born, and of each person present at the birth, and of the person having charge of the child, to give to the registrar of the division where such birth occurred, within forty-two days next after such birth, information of the particulars required to be registered concerning such birth, and in the presence of the registrar to sign the register.

Information respecting finding of new-born child to be given to registrar.

13 In case any living new-born child is found exposed, it shall be the duty of any person finding such child, and of any person in whose charge such child may be placed, to give, to the best of his knowledge and belief, to the registrar, within seven days after the finding of such child, such information of the particulars required to be registered concerning the birth of such child as the informant possesses, and in the presence of the registrar to sign the register.

Requisition by registrar of information concerning birth.

14 Where a birth has, from the default of the persons required to give information concerning it, not been duly registered, the registrar may at any time at the end of forty-two days from such birth, or, in the case of a living new-born child found exposed, at the end of seven days after the finding of such child, require any of the persons required by this Ordinance to give information concerning such birth to attend personally at the registrar's office within such time (not less than seven days after the receipt of such notice, nor more than three months from the date of the birth) as may be specified in such notice, and to give information, to the best of such person's knowledge and belief, of the particulars required to be registered concerning such birth, and to sign the register in the presence of the registrar; and it shall be the duty of such person, unless the birth is registered before the expiration of the time specified in such requisition, to comply with such requisition.

Duty of registrar to register births gratis.

15 It shall be the duty of the registrar, upon receiving personally from the informant, at any time within three months from the date of the birth of any child, or the finding of any living new-born child, information of the particulars required to be registered concerning the birth of such child, forthwith in the prescribed form and manner to register the birth and the said particulars (if not previously registered), without fee or reward from the informant, except that if in pursuance of a written requisition he registers the same at the residence of the person making such requisition, or at the house in which the birth took place, he shall, unless the birth took place in a public institution, be entitled to a fee of one rupee.

Registration of birth on estate.

16 (1) In case such birth shall have happened on an estate, information thereof shall be given within twenty-four hours of the birth to the superintendent of the estate instead of to the registrar by the persons required by sections 12 and 13 to give information to the registrar. Such superintendent shall, after verifying the information, forthwith report the birth, in the form C in the second schedule hereto, to the medical officer appointed under "The Medical Wants Ordinance, 1880," who shall transmit the report without delay to the assistant provincial registrar, or if there be no assistant provincial registrar, to the provincial registrar within whose local jurisdiction the estate is situated, and the provincial registrar or assistant provincial registrar shall thereupon register the birth in the prescribed form and manner.

(2) The superintendent of the estate shall, for the purposes of "The Births and Deaths Registration Ordinance, 1867," and of this Ordinance, be deemed an informant, and to have signed the entry made by the registrar.

Registry after the expiration of three months from birth.

17 (1) After the expiration of three months next after the birth of any child, a registrar shall not register such birth except as in this section provided; that is to say:

(a) In case the birth of any child has not been registered in accordance with "The Births and Deaths Registration Ordinance, 1867," or this Ordinance, the registrar may, after three and not later than twelve months next after the birth, by notice in writing, require any of the persons required by this Ordinance to give information concerning the birth to attend personally at the office of the Registrar-General, or provincial registrar, or assistant provincial registrar, within such time (not less than seven days after the receipt of the notice, and not more than twelve months after the date of the birth) as may be specified in the notice, and make before the Registrar-General, provincial registrar, or assistant provincial registrar, a solemn declaration in the form D in the second schedule hereto, on a paper bearing a stamp of one rupee, according to the best of the declarant's knowledge and belief, of the particulars required to be registered concerning the birth, and to sign the register in the presence of the registrar and of the Registrar-General, provincial registrar, or assistant provincial registrar; and upon any of the said persons attending before a registrar and the Registrar-General, provincial registrar, or assistant provincial registrar, whether in pursuance of a requisition or not, and making such a declaration as aforesaid, and giving information concerning the birth, the registrar shall then and there, in the presence of such Registrar-General, provincial registrar, or assistant provincial registrar, register the birth according to the information of the declarant, and the Registrar-General, provincial registrar, or assistant provincial registrar before whom the declaration is made shall, as well as the registrar and declarant, sign the entry of the birth.

- (b) After the expiration of twelve months, and not more than seven years after the birth of any child, that birth shall not be registered except with the written authority of the Registrar-General, who shall have power, upon the application of any party interested, and on a declaration made as aforesaid before the Registrar-General, provincial registrar, or assistant provincial registrar (which declaration shall be on paper bearing a stamp of five rupees), and after due inquiry, to authorize the registrar to register the birth in the presence of the Registrar-General, provincial registrar, or assistant provincial registrar.

The fact of such authority having been given shall be recorded in the register, and the entry of the birth shall be signed by the Registrar-General, provincial registrar, or assistant provincial registrar, as well as the registrar and the declarant.

(2) The registrar shall be entitled to receive a fee of one rupee from the informant for the registration of the birth.

(3) Every person who registers or causes to be registered the birth of any child in contravention of this section shall be guilty of an offence, and be liable to a fine not exceeding one hundred rupees, or to imprisonment, simple or rigorous, for a period not exceeding three months, or to both fine and imprisonment.

Registry of birth out of the division in case of removal.

18 (1) Any person required by this Ordinance to give information concerning a birth, who before such birth is registered leaves the division in which such birth has taken place, may within three months after such birth give the information by making and signing in the presence of the registrar of the division in which he resides a declaration in writing of the particulars required to be registered concerning such birth; and such registrar on payment of a fee of fifty cents shall receive and attest the declaration and send the same to the registrar of the division in which the birth took place; and the last mentioned registrar shall in the prescribed form and manner enter the birth in the register; and the entry so made shall be deemed for the purposes of "The Births and Deaths Registration Ordinance, 1867," or of this Ordinance, to have been signed by the person who signed the declaration.

(2) A person making a declaration in pursuance of this section in the case of any birth shall be deemed to have complied with the provisions of this Ordinance as to giving information concerning that birth, and with any requisition of the registrar made under this Ordinance within the said three months to attend to give information concerning that birth.

Saving for father of illegitimate child.

19 In the case of an illegitimate child no person shall, as father of such child, be required to give information under this Ordinance concerning the birth of such child, and the registrar shall not enter in the register the name of any person as father of such child, unless (a) at the joint request of the mother and of the person acknowledging himself to be the father of such child, or (b) upon an order from a competent court; and in case (a) the person acknowledging himself to be the father shall sign the register together with the mother, and in case (b) a note of the order of the court shall be recorded in the register.

Registrar may call for proof of marriage before registering birth of alleged illegitimate child.

20 If the registrar shall see reason to doubt the legitimacy of any child whose birth he may have to register, or to apprehend that a fraud is about to be committed on any party by any registration, it shall be lawful for the registrar to give notice to such party and to call for a certificate of the registry of the marriage of the alleged parents of the child, or for such other proof as the law may prescribe of the marriage. If satisfactory proof shall not be produced, it shall be the duty of the registrar to enter in the column set apart for that purpose that such proof was not produced.

Remedy to persons interested in such registration.

21 Any person who may have an interest in the property of the alleged parents of a child whose birth may be registered, or who shall feel aggrieved by any such entry as in the preceding section prescribed, shall be entitled to apply to the district court of the district within which the registrar holds office to cause such entry to be rectified, and the said court shall, after due notice to the Registrar-General and the registrar who made the entry, and such other parties as to the court shall appear expedient, and after due inquiry shall, subject to appeal to the Supreme Court, make such order as the justice of the case may require, and the district court shall cause a certified copy of the order made by such court or by the Supreme Court in appeal to be served on the Registrar-General, who shall thereupon carry out such order. Provided that nothing herein contained shall be held to prevent any person from questioning in due course of law the correctness of any registration or entry, though he shall not have betaken himself in the first instance to the summary remedy herein provided.

Registration of the name of the child or of alteration of name.

22 When the birth of any child has been registered and the name, if any, by which it was registered is altered or added to, or if it was registered without a name, when a name or names is given to it, the parent or guardian of such child, or other person procuring such name to be altered, added to, or given, may within twelve months next after the registration of the birth deliver to the registrar such certificate as hereinafter mentioned, and the registrar, upon the receipt of that certificate and on payment of a fee of fifty cents, shall, without any erasure of the original entry, forthwith enter in the register book in the presence of the Registrar-General, provincial registrar, or assistant provincial registrar the name mentioned in the certificate as having been given to the child, and the entry shall be signed by the Registrar-General, provincial registrar, or assistant provincial registrar, as well as the registrar; and the Registrar-General, provincial registrar, or assistant provincial registrar shall state upon the certificate the fact of such entry having been made, and if such entry shall not have been made before the Registrar-General, but before the provincial registrar or assistant provincial registrar, the provincial registrar or assistant provincial registrar shall forthwith send the certificate to the Registrar-General, together with a certified copy of the entry of the birth with the name so added.

The certificate shall be substantially in the form E in the second schedule to this Ordinance, and shall be signed by the minister or person who performed the rite of baptism upon which the name was given or altered, or if the child is not baptized, shall be signed by the father, mother, or guardian of the child or other person procuring the name of the child to be given or altered.

Registration of past births.

23 If any person shall desire to have any birth registered which took place not earlier than the first day of January, 1868, and not later than the commencement of this Ordinance, and which has not yet been duly registered, or regarding which it is doubtful whether it has been duly registered, and the registration of which is not provided for by section 17, it shall be competent for him to make an application to the Registrar-General accompanied by a declaration made according to the best of the declarant's knowledge and belief of the particulars required to be registered concerning the birth, on paper bearing a stamp of ten rupees, and it shall be lawful for the Registrar-General, after due inquiry, to cause the birth to be registered in a book to be kept by him in the form F in the second schedule hereto, and called "The Register of Past Births."

#### *Registration of Deaths.*

Registry of death and cause of death.

\* 24 The death of every person dying in the island after the commencement of this Ordinance, and the cause of such death, shall be registered by the registrar of the division where such death occurred in the manner and form prescribed.



Information concerning a death in a house.

25 When a person dies in a house after the commencement of this Ordinance, it shall be the duty of the nearest relatives present at the death, or in attendance during the last illness of the deceased, and in default of such relatives, of every other relative of the deceased dwelling or being in the same division as the deceased, and in default of such relatives, of each person present at the death, and of the occupier of the house in which, to his knowledge, the death took place, and in default of the persons hereinbefore in this section mentioned, of each inmate of such house, and of the person causing the body of the deceased person to be buried, to give, to the best of his knowledge and belief, to the registrar, within the five days next following the day of such death, information of the particulars required to be registered concerning such death, and in the presence of the registrar to sign the register.

Information concerning a death not in a house.

26 Where a person dies in a place which is not a house, or a dead body is found elsewhere than in a house, it shall be the duty of every relative of such deceased person having knowledge of any of the particulars required to be registered concerning the death, and in default of such relative of every person present at the death, and of any person finding, and of any person taking charge of the body, and of the person causing the body to be buried, to give to the registrar, within the five days next after the death or the finding, such information of the particulars required to be registered concerning the death as the informant possesses, and in the presence of the registrar to sign the register.

Certificate as to cause of death.

27 (1) In case of the death of any person who has been attended during his last illness by a registered medical practitioner, that practitioner shall sign and give to some person required by this Ordinance to give information concerning the death, a certificate substantially in the form G in the second schedule hereto, stating to the best of his knowledge and belief the cause of the death, and such person shall, upon giving information concerning the death, deliver that certificate to the registrar, and the cause of death as stated in that certificate shall be entered in the register, together with the name of the certifying medical practitioner.

(2) If any such medical practitioner neglects or refuses to sign and give such certificate, or if any person to whom such certificate is given by such medical practitioner fails to deliver that certificate to the registrar, he shall be liable to a penalty not exceeding fifty rupees.

Notice preliminary to information.

28 If a person required to give information concerning any death sends to the registrar a written notice substantially in the form H in the second schedule hereto, of the occurrence of the death, accompanied by such a medical certificate of the cause of death as is prescribed in the last section, the information of the particulars required to be registered concerning the death need not be given within the said five days, but shall notwithstanding such notice be given within fourteen days next after the day of the death by the person giving such notice or some other person required by this Ordinance to give the information.

Duty of police officers and headmen.

29 It shall be the duty of all police officers and headmen to inquire into every death within their respective jurisdictions, and to give written notice thereof to the registrar substantially in the form I in the second schedule hereto, and also respecting the persons who under sections 25 and 26 are required to give information concerning such death.

Requisition by registrar of information concerning death.

30 Where any death has, from the default of the persons required to give information concerning it, not been registered, the registrar may, at any time after the expiration of fourteen days, and within twelve months after such death, or from the finding of the dead body elsewhere than in a house, by notice in writing substantially in the form J in the second schedule hereto, require any person required by this Ordinance to give information concerning such death to attend personally at the registrar's office within such time

(not less than seven days after the receipt of the notice, nor more than twelve months after the death or finding of the dead body) as may be specified in the notice, and to give the said information to the best of the informant's knowledge and belief, and to sign the register in the presence of the registrar; and it shall be the duty of such person, unless the death is registered before the expiration of the time specified in the requisition, to comply with the requisition.

Duty of registrar to register death gratis.

**31** It shall be the duty of the registrar, upon receiving personally from the informant at any time within three months after the date of any death, or of the finding of any dead body, information of the particulars required to be registered concerning the death, forthwith in the prescribed form and manner to register the death and the said particulars (if not previously registered) without fee or reward from the informant, except that if, in pursuance of a written requisition, he registers the death at the residence of the person making such requisition, or at the house where the deceased died, he shall, unless the death took place in a public institution, be entitled to a fee of one rupee.

Registration of death on an estate.

**32** In case such death shall have happened on an estate, information thereof shall be given within twenty-four hours of the death to the superintendent of the estate instead of to the registrar by the persons required by sections 25 and 26 to give information to the registrar. Such superintendent shall, after inspecting the body and verifying the information, forthwith report the death, in the form K in the second schedule hereto, to the medical officer appointed under "The Medical Wants Ordinance, 1880," who shall transmit the report without delay to the assistant provincial registrar, or where there is no assistant provincial registrar, to the provincial registrar, within whose local jurisdiction the estate is situated, and the said assistant provincial registrar or provincial registrar shall thereupon register the death in the prescribed form and manner.

The superintendent of the estate shall, for the purposes of "The Births and Deaths Registration Ordinance, 1867," or of this Ordinance, be deemed to have signed the entry made by the registrar.

Registration of death after three months.

**33** (1) After the expiration of three months next after the date of any death, or of the finding of any dead body elsewhere than in a house, that death shall not be registered except with the written authority of the Registrar-General for registering the same, and the fact of such authority having been given shall be entered in the register.

(2) Every person who registers or causes to be registered any death in contravention of this section shall be liable to a penalty not exceeding one hundred rupees, or to imprisonment, simple or rigorous, for one month.

Certificate from inquirer into deaths under chapter XVII. of the Ceylon Criminal Procedure Code.

**34** (1) Where an inquiry is held on a dead body under chapter XVII. of the Ceylon Criminal Procedure Code, the inquirer into deaths shall send to the registrar, within five days after the conclusion of the inquiry, a certificate under his hand, giving information concerning the death with respect to the particulars required to be registered and to the cause of death, and specifying the time and place at which the inquiry was held, and the registrar shall in the prescribed form and manner enter the death and particulars. If the death has been previously registered, the registrar shall, after verifying his entry with the inquirer's certificate, make a record of such particulars, if any, as may be at variance with the original entry without any alteration in the original entry, and shall note that the entry has been so verified.

Burial of deceased children as still-born.

**35** (1) A person shall not wilfully bury, cremate, or otherwise dispose of, or cause to be buried, cremated, or otherwise disposed of, the body of a deceased child as if it were still-born.

2) A person who has control over, or ordinarily buries, cremates, or otherwise disposes of bodies in, any place used for such burial, cremation, or other disposal, shall not permit to be buried, cremated, or otherwise disposed of in such place the body of any deceased child as if it were still-born.

(3) Any person who acts in contravention of this section shall be guilty of an offence, and shall be liable to a fine not exceeding one hundred rupees, or to imprisonment, simple or rigorous, for a period not exceeding three months, or to both fine and imprisonment.

Notice where coffin contains more than one body.

36 (1) Where there is in the coffin in which any deceased person is brought to be buried, cremated, or otherwise disposed of, the body of any other deceased person, or the body of any still-born child, the undertaker or any other person who has charge of the funeral shall deliver to the person who buries, cremates, or otherwise disposes of such body or bodies, or performs any funeral or religious service in regard thereto, notice in writing signed by such undertaker or other person, and stating to the best of his knowledge and belief with respect to each such body the following particulars :

- (a) If the body is that of a deceased person, the name, sex, and place of abode of the said deceased person ;
- (b) If the body has been found exposed, and the name and place of abode are unknown, the fact of the body having been so found and of the particulars being unknown : and
- (c) If the body is that of a deceased child without a name, or a still-born child, the name and place of the abode of the father, or, if it is illegitimate, of the mother of such child.

(2) A certified copy of such notice shall be forthwith forwarded to the registrar of the division by the person who buries, cremates, or otherwise disposes of such body, or performs any funeral or religious service in regard thereto.

(3) Any person who fails to comply with this section shall be liable to a fine not exceeding one hundred rupees.

Special provisions as to registration of deaths and burial of bodies in proclaimed places.

37 (1) In such towns, districts, or places as the Governor in Executive Council shall, by Proclamation published in the *Government Gazette*, declare to be subject to the operation of this and the following section of this Ordinance, no dead body of a person dying within the limits of such town, district, or place shall from the date fixed in the Proclamation be buried or cremated, or otherwise disposed of or removed for such purpose, or shall be permitted by the keeper of any place used for such purpose to be buried or cremated, or otherwise disposed of, unless—

- (a) A person required by this Ordinance to give information to a registrar has obtained a certificate substantially in the form L in the second schedule hereto from such registrar that notice of such death has been duly given to him ; or
- (b) Unless a certificate substantially in the form M in the second schedule hereto has been obtained by such person from a police officer or headman resident in the division of such registrar, stating that notice of the death was given to the registrar, not less than three hours previously to the granting of such certificate, or, in his absence, to such police officer or headman, and setting forth the true cause of death ; or
- (c) Unless a certificate has been obtained in terms of section 27 as to the true cause of death signed by a registered medical practitioner who was in attendance on the deceased person ; or except
- (d) Upon an order which shall be substantially in the form N in the second schedule hereto of an inquirer into deaths who shall have held an inquiry on the body of the deceased under chapter XVII. of the Ceylon Criminal Procedure Code ; or

(e) In the case of a death occurring on an estate, unless the death has been reported to the superintendent of the estate, and he has inspected the body and authorized its burial in writing substantially in the form O in the second schedule hereto.

(2) The certificate of a registrar, police officer or headman, or registered medical practitioner, and the order of an inquirer, and the authority of a superintendent as aforesaid, shall be given without fee or reward from the applicant, and after such inquiry as may be necessary to ascertain the particulars required to be registered concerning the death, and with as little delay as may be consistent with the exigencies of such inquiry; and the registrar, police officer, headman, medical practitioner, inquirer, or superintendent shall have power to enter into any house or land to make such inquiry or to inspect the body of a deceased person. The certificate of a police officer or headman, or registered medical practitioner, or the order of the inquirer into deaths shall be made out and issued in duplicate.

(3) The certificate of a registrar, police officer, or headman, or registered medical practitioner, or the authority of a superintendent, or order of the inquirer into deaths, shall be produced to the person having charge of or control over any place in which the body may be buried, cremated, or otherwise disposed of; and until the production of such certificate or authority he shall not permit the body to be buried, cremated, or otherwise disposed of.

(4) The duplicate of the certificate of a police officer, or headman, or registered medical practitioner, or order of an inquirer into deaths shall, within five days after the death, be delivered to the registrar by the person who received it from the police officer, headman, or registered medical practitioner, or inquirer into deaths; or in the case of a death occurring on an estate and reported to the superintendent of the estate, such superintendent shall make and transmit within the said period a certificate in the prescribed form to the medical officer appointed under "The Medical Wants Ordinance, 1880," and such medical officer shall forthwith forward the report to the assistant provincial registrar, or where there is no assistant provincial registrar, to the provincial registrar.

(5) The registrar or assistant provincial registrar, or provincial registrar, as the case may be, shall thereupon register in the prescribed form and manner such death as well as every death of which due information shall have been given directly to him by the person required to give information.

(6) Any person who acts in contravention of the 1st and 2nd and 3rd and 4th sub-sections of this section, and any registrar, police officer, or headman, or superintendent of an estate, who knowingly causes unnecessary vexation or harassment to any person in the discharge of the duties under this section shall be guilty of an offence, and shall be liable to a fine not exceeding one hundred rupees, or to imprisonment, simple or rigorous, for a period not exceeding three months, or to both fine and imprisonment.

**38** (1) Within the limits of such town, district, or place proclaimed as aforesaid a person shall not bury, cremate, or otherwise dispose of any still-born child, unless—

(a) The occurrence of such still-birth shall have been reported to a registrar or to a police officer or headman of the division where it occurred by some person who would, if the child had been born alive, have been required by this Ordinance to give information concerning the birth, and unless a certificate of such report having been made has been obtained from the registrar or police officer or headman, which certificate shall be given, after such inquiry and inspection of the body as may be necessary to verify the information, by the registrar or police officer or headman, without fee or reward from the informant, and shall be in the form P in the second schedule hereto; or

Registration of still-births and burial of still-born children in proclaimed places.

- (b) In the case of a still-birth occurring on an estate, unless such report has been made to the superintendent of the estate, and he has inspected the body and authorized its burial; or
- (c) Unless a certificate substantially in the form Q in the second schedule hereto has been obtained from a registered medical practitioner who was in attendance at the birth, or has examined the body, that such child was not born alive.

(2) The certificate of a police officer or headman or of a registered medical practitioner shall, within the five days next following the still-birth, be forwarded to the registrar by the person who obtained the certificate; or in the case of a still-birth occurring on an estate, and which has been reported to the superintendent of the estate, a certificate thereof shall, after he has verified the information, be made by the superintendent in the prescribed form and transmitted by him to the medical officer appointed under "The Medical Wants Ordinance, 1880," who shall transmit the report forthwith to the assistant provincial registrar, or if there be no assistant provincial registrar, to the provincial registrar.

(3) The registrar or assistant provincial registrar, or provincial registrar as the case may be, shall enter every still-birth in a register of still-births to be kept by him in foil and counterfoil in the form R in the second schedule hereto; and the counterfoil of such entry shall be transmitted to the Registrar-General as prescribed in regard to births and deaths.

(4) Any person who acts in contravention of the 1st and 2nd sub-sections of this section shall be liable to a fine not exceeding one hundred rupees, or to imprisonment, simple or rigorous, for a period not exceeding three months, or to both fine and imprisonment.

Qualification of registrars in proclaimed places.

39 For the appointment of registrar of a division in a town, district, or place proclaimed as aforesaid, only the following persons shall be eligible, that is to say: (1) persons holding a qualification which would entitle them to be registered under the following Acts of the Imperial Parliament, to wit, "The Medical Act" (21 and 22 Vict. cap. XC.) and "The Medical Act, 1886" (49 and 50 Vict. cap. XLVIII.), or any other Acts of the Imperial Parliament which may be enacted in lieu thereof; or (2) persons holding a certificate of competency for the purposes of this Ordinance from a board appointed by the Governor.

40 All the provisions of this Ordinance shall, except so far as they are inconsistent with sections 37, 38, and 39, be in full force in the places proclaimed as aforesaid.

Correction of error in register.

41 With regard to the correction of errors in registers of births and deaths and still-births it shall be enacted as follows:

(1) No alteration in any such register shall be made except as authorized by this Ordinance.

(2) Any clerical error which may from time to time be discovered in any such register may be corrected by any person authorized in that behalf by the Registrar-General, subject to the prescribed rules.

(3) An error of fact or substance in any such register may be corrected with the authority of the Registrar-General and in the presence of the Registrar-General, provincial registrar, or assistant provincial registrar (who, as well as the registrar, shall sign such correction) by entry in the margin (without any alteration of the original entry) by the officer having the custody of the register, upon production by the person requiring such error to be corrected, of a declaration on oath or solemn affirmation setting forth the nature of the error and the true facts of the case, and made by two persons required by this Ordinance to give information concerning the birth or death with reference to which the error has

been made, or in default of such persons, then by two credible persons having knowledge of the truth of the case, and upon the production of such other evidence as the Registrar-General may require to satisfy him of the truth of the case.

(4) Where an error of fact or substance (other than an error relating to the cause of death) occurs in the information given by the certificate of an inquirer into deaths concerning a dead body upon which he has held an inquiry under chapter XVII. of the Ceylon Criminal Procedure Code, the inquirer, if satisfied by evidence on oath or solemn affirmation that such error exists, may certify under his hand to the officer having the custody of the register in which such information is entered, the nature of the error and the true facts of the case as ascertained by him on such evidence, and the error may thereupon be corrected by such officer in the register, in the presence of the Registrar-General, provincial registrar, or assistant provincial registrar, by entering in the margin of the register (without any alteration of the original entry) the facts as so certified by the inquirer; and the correction shall be signed by the registrar as well as the Registrar-General, provincial registrar, or assistant provincial registrar.

Books to be kept.

42 (1) The Registrar-General, provincial registrars, assistant provincial registrars, and divisional registrars shall keep books for the purposes of this Ordinance of such form and material as is prescribed by this Ordinance, or shall be prescribed by the Governor in Executive Council, and shall carefully preserve such books, and shall at no time allow such books or other documents kept under this Ordinance to remain out of their possession, except in obedience to an order of a competent court, or except as provided in this Ordinance, or by any rules made by the Governor in Executive Council.

(2) Every divisional registrar shall, when called upon by the Registrar-General, or by the provincial registrar, or assistant provincial registrar, within whose local jurisdiction such divisional registrar resides, produce for inspection all books, documents, and papers which are in his possession as such registrar.

(3) As each book of registers is completed by a divisional registrar, he shall forward it with all connected books, documents, and papers to the assistant provincial registrar, or if there be no assistant provincial registrar, to the provincial registrar, who shall preserve them in his office.

Forms.

43 (1) The forms in the schedule to this Ordinance, or forms as nearly resembling the same as circumstances admit, shall be used in all cases in which they are applicable, and when so used shall be valid in law.

(2) It shall be lawful for the Governor in Executive Council, by order published in the *Government Gazette*, to alter from time to time all or any of the forms contained in the schedules to this Ordinance, or in any such rule or order made thereunder, in such manner as may appear to him best for carrying into effect this Ordinance, or to prescribe new forms for that purpose. Every form when altered in pursuance of this section shall have the same effect as if it had been contained in a schedule to this Ordinance.

Sending certificates, &c. by post.

44 All notices, informations, declarations, certificates, requisitions, returns, and other documents required or authorized by this Ordinance to be delivered, sent, or given to the Registrar-General, or provincial registrar, or assistant provincial registrar, or a registrar, or by a registrar to a person who is required to give information concerning any birth or still-birth, or who gives notice of any death, may be sent by post, according to the prescribed rules of the postal department, either in a prepaid letter or free on Her Majesty's

Service, and the date at which they would be delivered to the person to whom they are sent in the ordinary course of post shall be deemed to be the date at which they are received; and in proving such sending, it shall be sufficient to prove that the letter was prepaid, or (if it be a letter that might according to the rules of the postal department be sent free on Her Majesty's Service) that it was franked on Her Majesty's Service, and that it was properly addressed and put into the post.

Search and issue of certified copies or extracts.

45 All persons shall be entitled, on making a written application to the Registrar-General, provincial registrar, assistant provincial registrar, or divisional registrar, and under such conditions as shall be prescribed by the Governor in Executive Council, to refer to any book or document kept under this Ordinance, and in the possession of such Registrar-General, provincial registrar, assistant provincial registrar, or divisional registrar, and shall, on a written application, and on payment of such fees as the Governor in Executive Council may prescribe, be entitled to demand a certified copy or extract of or from every entry in such book or document.

Provided that every written application shall bear stamps of the value of fifty cents where the application states the year in which the entry sought for was made, and stamps of the value of two rupees and fifty cents where the year is not stated, and provided that every such certified copy or extract shall bear stamps of the value of seventy-five cents to be supplied by the party applying for the same.

Certified copy or extract to be *prima facie* evidence.

46 Such copy or extract, if purporting to be made under the hand of the Registrar-General, or his office assistant, or of the provincial registrar, or the assistant provincial registrar, or if purporting to be made under the hand of a divisional registrar and countersigned by the Registrar-General, provincial registrar, or assistant provincial registrar, shall be received as *prima facie* evidence of the matters to which they relate without any further or other proof of such entry.

Delivery of records of registrar ceasing to hold office.

47 (1) In every case in which a divisional registrar shall cease to hold office, all the books, documents, papers, and other articles in his possession as such registrar shall be delivered by him or by his legal representative as soon as conveniently may be with a list thereof to the assistant provincial registrar of his district, or if there be no assistant provincial registrar, to the provincial registrar, who shall carefully arrange and preserve them in his office, save and except the incomplete books which were in actual use by the divisional registrar at the time he ceased to hold office, and which shall be delivered by the assistant provincial registrar or provincial registrar to the successor in office of the divisional registrar.

(2) All books of registers kept under any of the Ordinances mentioned in the first schedule to this Ordinance, and which shall have been completed at the commencement of this Ordinance, shall forthwith be forwarded, together with all connected books, documents, and papers, and a list thereof by the registrar or any other person who may be in possession of them to the assistant provincial registrar, or if there be no assistant provincial registrar, to the provincial registrar, within whose local jurisdiction such registrar or other person resides, and shall be carefully arranged and preserved by the assistant provincial registrar or provincial registrar.

Penalty for non-delivery.

48 If any person being, by virtue of his office as registrar or otherwise, in possession of books, documents, papers, and other articles specified in the last section shall fail, or neglect, or refuse to deliver them to the assistant provincial registrar or provincial registrar, he shall be guilty of an offence, and be liable to punishment with imprisonment of either description for any term not exceeding two years and to a fine, and further to be detained in jail until he shall have delivered the same, or until satisfaction shall have been given in respect thereof to the Registrar-General.

Penalty for omission to register or loss of registers.

49 Every registrar who refuses, or without reasonable cause omits, to register any birth or death or still-birth, or particulars concerning which information has been tendered to him by an informant, and which he ought to register, or knowingly disobeys any direction of the law as to the way in which he is to conduct himself, intending or knowing it to be likely to cause injury to any person or to the Government, and every person having the custody of any register book of births or deaths or still-births who carelessly loses, or injures, or allows the injury of the same, shall be liable to a penalty not exceeding one hundred rupees, or to imprisonment, simple or rigorous, for a period not exceeding three months, or to both fine and imprisonment.

Penalty for not giving information, &c.

50 Every person required by this Ordinance to give information or notice, or make a report concerning any birth or death, or still-birth, or any living new-born child, or any dead body, and who wilfully refuses to answer any question put to him by the registrar, police officer, or headman, or superintendent of an estate, relating to the particulars required to be registered concerning such birth or death, or still-birth, or fails to comply with any requisition of the registrar made in pursuance of this Ordinance, and every person who refuses or fails without reasonable excuse to give or send any certificate, report, or information in accordance with the provisions of this Ordinance, shall be liable to a penalty not exceeding fifty rupees for each offence; and the parent of any child who fails to give information concerning the birth of such child as required by this Ordinance shall be liable to a like penalty; and a person required by this Ordinance to give information concerning a death in the first instance, and not merely in default of some other person, shall, if such information as is required by this Ordinance is not duly given, be liable to the same penalty.

Penalty for false statement, &c.

51 Any person who commits any of the following offences; that is to say:

- (1) Wilfully makes any false answer to any question put to him by a registrar, police officer, headman, or superintendent of an estate relating to the particulars required to be registered concerning any birth or death, or still-birth, or wilfully gives to a registrar, police officer, headman, or superintendent of an estate any false information concerning any birth or death, or still-birth, or the cause of any death; or
- (2) Wilfully makes any false certificate or declaration under or for the purposes of this Ordinance, or forges or falsifies any such certificate or declaration or any order under this Ordinance, or, knowing any such certificate, declaration, or order to be false or forged, uses the same as true, or gives or sends the same as true to any person; or
- (3) Wilfully makes, gives, or uses any false statement or representation as to a child born alive having been still-born, or as to the body of a deceased person or a still-born child in any coffin, or falsely pretends that any child born alive was still-born; or
- (4) Makes any false statement with intent to have the same entered in any register of births or deaths, or still-births, or to obtain a certificate or authority under section 36 or 37—

shall be guilty of an offence, and shall be liable on summary conviction before a police court to a fine not exceeding one hundred rupees, or to imprisonment, with or without hard labour, for a term not exceeding three months, or to both fine and imprisonment, or on conviction before a district court or the Supreme Court, to such sentence as such court is authorized by law to pass.



Penalty for destruction of documents and for giving false certificates.

52 Every person who shall knowingly and wilfully tear, deface, destroy, or injure any notice, certificate, declaration, book, or any document whatsoever kept under this Ordinance or any part thereof, or of certified copy thereof, or of part thereof, or shall knowingly and wilfully insert any false entry of any matter relating to any birth, death, or still-birth, or sign or issue any false certificate relating thereto, or certify any writing to be a copy or extract of any such book or document, knowing such book or document to be false in any particular, shall be guilty of an offence, and be liable to punishment, simple or rigorous, for a term not exceeding seven years and to a fine.

Fees of registrar.

53 Every registrar shall be entitled to the fees specified in the third schedule to this Ordinance, and every such fee shall be paid to him by the persons and on the occasions pointed out in such schedule, and may be recovered as a debt due to him, and subject to the prescribed rules he may refuse to comply with any application made to him until the fee is paid.

Annual list of registrars.

54 The Registrar-General shall on or before April 30 of each year publish in the *Government Gazette* a list of the registrars of births and deaths in the island, with their names, the names of their divisions, offices, and stations, and shall cause such list to be suspended or affixed in a conspicuous place in the offices of the provincial registrars and assistant provincial registrars.

FIRST SCHEDULE.

Ordinance, Rule, &c.	Title.	Extent of Repeal.
No. 6 of 1847	An Ordinance to amend in certain respects the Law of Marriages and to provide for the better registration of Births and Deaths	So much as relates to births and deaths, except such portions as have been repealed
No. 18 of 1867	The Births and Deaths Registration Ordinance, 1867	The whole
No. 15 of 1877	The Marriages, Births, and Deaths Registration Amendment Ordinance, 1877	So much as relates to births and deaths
No. 20 of 1891	An Ordinance to render more accurate and complete the Registration of Deaths	The whole
No. 11 of 1892	An Ordinance to provide for the appointment of Additional Provincial and District Registrars	The whole
All rules and regulations framed under the authority of any of the above Ordinances and now in force	—	The whole, so far as they relate to births and deaths, subject to the proviso of sub-section 1 of section 2 of this Ordinance

SECOND SCHEDULE.

## THIRD SCHEDULE.

Payable to whom.	For what Duty.	Amount.	Payable by whom.
Registrar ...	For registering a birth or death other than on an estate	Rs. c. - 0 25	Government
Do. ...	For registering outside the Registrar's Office under section 15, 17, or 31	1 0	Applicant
Registrar-General, Provincial Registrar, Assistant Provincial Registrar, or Divisional Registrar	For issuing certified copy or extract	0 50	do.

By His Excellency's command,  
 E. NOEL WALKER,  
 Colonial Secretary's Office, Colonial Secretary.  
 Colombo, November 23, 1894.

## MINUTE.

The following Draft of a proposed Ordinance is published for general information :—

An Ordinance to consolidate and amend the Laws relating to the registration of Marriages other than the Marriages of Kandyans or of Mohammedans.

Preamble.

WHEREAS it is expedient to consolidate and amend the laws relating to marriages in this Island other than the marriages of Kandyans or of Mohammedans, and to provide for the better registration thereof: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Short title.

Date of operation.

1 This Ordinance may be cited for all purposes as "The General Marriage Registration Ordinance, 1894," and shall come into operation on such date as the Governor shall, by Proclamation to be published in the *Government Gazette*, appoint.

Repeal.

2 (1) On and from the date on which this Ordinance comes into operation the Ordinances, rules, and regulations mentioned in the first column of the first schedule hereto shall be severally repealed to the extent mentioned in the third column thereof.

Provided that the rules and regulations now in force under any of the said Ordinances shall, as far as consistent with this Ordinance, continue to be in force until rules for the same purpose are framed, published, and come into force under section 8 of this Ordinance, whereupon they shall be repealed.

(2) The repeal shall not affect—

(a) The past operation of any Ordinance, rule, or regulation hereby repealed, nor anything duly done or suffered under any Ordinance, rule, or regulation hereby repealed; nor

(b) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any Ordinance, rule, or regulation hereby repealed; nor

(c) Any penalty, forfeiture, or punishment acquired, accrued, or incurred under any Ordinance, rule, or regulation hereby repealed; nor

(d) Any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid, and any such investigation, legal proceeding, or remedy may be carried on as if this Ordinance had not passed; nor

(e) Shall such repeal revive any Ordinance, rule, regulation, right, office, privilege, matter, or thing not in force or existing at the commencement of this Ordinance.

(3) Where any unrepealed Ordinance, rule, or regulation incorporates or refers to any provision of any Ordinance, rule, or regulation hereby repealed, such unrepealed Ordinance, rule, or regulation shall be deemed to incorporate or refer to the corresponding provision of this Ordinance or of the rule or regulation made thereunder.

Interpretation.

3 In this Ordinance, if not inconsistent with the context—  
The term "marriage" means any marriage save and except marriages contracted under and by virtue of the Ordinance No. 3 of 1870, entitled "An Ordinance to amend the Laws of Marriage in the Kandyan Provinces," and except marriages contracted between persons professing the Mohammedan faith;

The term "minister" means any person ordained or set apart for the ministry of the Christian religion according to the customs, rules, ceremonies, or rites of the church, denomination, or body to which such person belongs;

The term "the island" or "this island" means the island of Ceylon;

The term "the Governor" means the person for the time being administering the Government of Ceylon;

The term "government agent" includes any person appointed by the Governor to act as government agent;

The term "assistant government agent" includes any person appointed by the Governor to act as assistant government agent;

The term "province" means any one of the divisions of the island now called and known as provinces, and forming the territorial jurisdiction of a government agent; or any division that may hereafter be duly made by the Governor in lieu of an existing province;

The term "revenue district" or "district" means the subdivision of a province forming the territorial jurisdiction of an assistant government agent, or any subdivision that may hereafter be duly made by the Governor in lieu of such subdivision.

Appointment of Registrar-General, and his duties.

4 (1) It shall be lawful for the Governor to appoint one Registrar-General of Marriages in this island, and at any time to remove him and to appoint some other person in his place or in place of any Registrar-General who shall have died or resigned his office, or to appoint any person to act in place of a Registrar-General who shall have been granted leave of absence from his duties.

(2) In the Registrar-General shall be vested, subject to the order of the Governor, the general control and superintendence of the registration of marriages in the island, and of all persons appointed for or engaged in the carrying out of the provisions of this Ordinance.

(3) The person who now holds the office of Registrar-General or Acting Registrar-General shall be deemed to have been duly appointed under this Ordinance, and shall exercise all the powers and privileges of the Registrar-General until another appointment is made by the Governor.

Appointment of provincial registrar and assistant provincial registrar, and their duties.

5 (1) The government agent for the time being of each province shall be the provincial registrar of marriages in such province, and the assistant government agent for the time being of each revenue district shall be the assistant provincial registrar of marriages in such district.

(2) The provincial registrar and assistant provincial registrar shall in their respective province and district superintend and control, subject to the Registrar-General, the registration of marriages, and the divisional registrars hereinafter mentioned, and all persons appointed for or engaged in carrying out the provisions of this Ordinance.

(3) The provincial registrar and assistant provincial registrar shall each, within his province and district, exercise the powers and privileges of any divisional registrar therein.

Appointment of registration divisions.

6 It shall be lawful for the Governor, with the advice of the Executive Council, by notification in the *Government Gazette*, to divide the several revenue districts of the island into such and so many divisions for the purpose of the registration of marriages as shall appear expedient, and such divisions or any of them at any time, with the like advice, to alter or abolish. Each such division shall be called a registration division.

Appointment of divisional registrars.

7 It shall be lawful for the Governor, by notification in the *Government Gazette*, to appoint one or more registrars to each such division, who shall be called divisional registrars, and any such registrar at pleasure to remove and to appoint

some other person in his place or in the place of any registrar who shall have died or resigned office, or been granted leave of absence from his duties.

Provided that in case of the death, sudden illness, or incapacity of the registrar of a division, or other emergency, it shall be lawful for the assistant provincial registrar to appoint by writing under his hand a person to act as registrar of such division for any period not exceeding three days in any month. Such acting appointment shall be forthwith notified to the Registrar-General and published in the *Government Gazette*, and shall be entered by the assistant provincial registrar in a book to be kept by him for the purpose.

Rules by the  
Governor in  
Executive  
Council.

8 (1) It shall be lawful for the Governor, with the advice of the Executive Council, from time to time to make rules consistent with this Ordinance for the direction of the Registrar-General, the provincial registrars, assistant provincial registrars, divisional registrars, and of all persons whatsoever in the discharge of their duties under this Ordinance, and generally for the effective carrying out of its provisions, and such rules, with the like advice, to revoke or alter.

(2) Any rules made in pursuance of this section shall be published in the English, Sinhalese, and Tamil languages in two successive issues of the *Government Gazette*, and shall then be binding.

(3) Breach of any such rule shall be an offence, and punishable with a fine not exceeding one hundred rupees, or imprisonment, simple or rigorous, for a period not exceeding three months, or with both fine and imprisonment.

Residence, office  
and station of  
registrar.

9 (1) Every divisional registrar shall dwell and have his office in such convenient place in his division as shall be appointed by the Registrar-General, and shall, if so directed by the Registrar-General, have within his division a station or stations as may be approved by the Registrar-General, and every such station shall, for the purposes of the provisions of this Ordinance, with respect to the attendance of persons and the registration of marriages at the office of registrar, be deemed to be his office.

(2) He shall attend at his dwelling-house or office and at each such station on the days and at the hours appointed by the Registrar-General, and shall cause his name, with the addition of Registrar of Marriages of the district for which he is registrar, and the hours of his attendance as appointed by the Registrar-General, to be placed in legible characters in the English, Sinhalese, and Tamil languages in a conspicuous place on or near the entrance of his dwelling-house, office, and station.

Registration of  
place of worship  
for solemnization  
of marriage.

10 Any proprietor or trustee of a separate building used as a place of public Christian religious worship may apply to the Registrar-General that such building may be registered for solemnizing marriages therein. Such application shall be substantially in the form A in the second schedule hereto, and shall contain a declaration signed by at least twenty householders and countersigned by the said proprietor or trustee, that they frequent or intend to frequent such place of worship. It shall then be lawful for the Registrar-General to register such place of worship for the solemnization of marriages in a book to be kept by him for that purpose, and he shall thereupon give a certificate of such registry and of the date thereof under his hand, which certificate shall be substantially in the form B in the second schedule hereto, and shall bear a stamp or stamps of the value of thirty rupees, to be supplied by the person making such application, and the Registrar-General shall give public notice of such registry by notification in the *Government Gazette*.

Provided that no building shall be registered which is not separate and distinct from, and devoid of all communication with, any other building, and which is not used solely for public Christian worship; and provided also that any building

already registered at the time when this Ordinance comes into operation shall be deemed to have been registered under the provisions of this Ordinance.

And provided further that where the population in any district is so scattered that it is difficult to procure the signatures of twenty householders, it shall be lawful for the Registrar-General to issue his certificate upon a declaration signed by as many householders as live within convenient distance from the building, and countersigned by the proprietor or trustee, and upon such other evidence as the Registrar-General may require to satisfy him that the building is a separate building and place of public Christian worship within the meaning of this section.

Cancel or substitution of registered building.

11 (1) If any building registered for the solemnization of marriages shall at any subsequent period cease to be used for the public religious worship of the congregation on whose behalf it was registered, the Registrar-General shall cause the registry thereof to be cancelled; provided that if it shall be proved to his satisfaction that the same congregation use some other such building for the purpose of public religious worship, he may register such new place of worship instead of the disused building.

(2) Such cancel or substitution when made shall be entered in the book kept for the registry of such buildings, and shall be certified and published in the manner prescribed in the case of the original registry of the disused building.

(3) Every certificate of substitution shall bear a stamp of twenty rupees, to be supplied by the person applying for such substitution, provided that where a registered building is demolished and a new building is erected upon the site thereof, or where a permanent building is erected upon the site of a temporary building already registered, such new or permanent building shall be registered and a certificate of such registration issued free of stamp duty.

(4) After such cancel or substitution as aforesaid it shall not be lawful to solemnize any marriage in such disused building unless the same shall be again registered in the manner prescribed.

Annual list of registered buildings.

12 On or before the fifteenth of January of each year the proprietor or trustee for the time being of every registered building shall send to the Registrar-General a statement in the form C in the second schedule hereto, and the Registrar-General shall after such inquiry as may be necessary cancel the registration of those buildings which have ceased to be used for the public religious worship of the congregation on whose behalf it was registered, and shall on or before the thirtieth April of each year cause to be published in the *Government Gazette*, and to be suspended or affixed in a conspicuous place in the offices of the provincial registrars and assistant provincial registrars, a list of all such registered buildings whose registration has not been cancelled.

Annual list of registrars.

13 The Registrar-General shall on or before the thirtieth April of each year publish in the *Government Gazette* a list of the registrars of marriages in the island, with their names, the names of their divisions, offices, and stations, and shall cause such list to be published and suspended or affixed in like manner as the list referred to in the last section.

Marriage not valid unless registered.

14 From the date when this Ordinance shall come into operation no marriage shall be valid unless it shall have been duly solemnized by a minister or a registrar and registered in manner and form as is hereinafter provided.

Prohibited age of marriage.

15 No marriage shall be valid to which the male party is under sixteen years of age or the female under ten, or, if a daughter of European or Burgher parents, under fourteen years of age.

Prohibited degrees of relationship.

16 No marriage shall be valid where either party shall be directly descended from the other, or where the female shall be sister of the male either by the full or the half blood, or the daughter of his brother or of his sister by the

full or the half blood, or a descendant from either of them, or daughter, of his wife by another father or his son's or grandson's or father's or grandfather's widow, or where the male shall be brother of the female either by the full or the half blood, or the son of her brother or sister by the full or the half blood, or a descendant from either of them, or the son of her husband by another mother or her deceased daughter's or granddaughter's or mother's or grandmother's husband.

## Incest.

17 Any marriage or co-habitation between parties standing towards each other in any of the above enumerated degrees of relationship shall be deemed to be an act of incest, and shall be punishable with imprisonment, simple or rigorous, for any period not exceeding one year.

## Bigamy.

18 (1) No marriage shall be valid, except among Mohammedans, where either of the parties thereto shall have contracted a prior marriage which shall not have been legally dissolved or declared void by some competent court.

(2) Every person except a Mohammedan who shall contract a subsequent marriage before his or her prior marriage shall have been so dissolved or declared void, and every person except a Mohammedan who shall marry another whom he or she shall know to be bound by a previous marriage not so dissolved or declared void, shall be guilty of bigamy, and liable to imprisonment, simple or rigorous, for any period not exceeding three years.

Provided that no person marrying a second time whose husband or wife shall have been continually absent from such person for the space of seven years then last past, and shall not have been known by such person to be living within that time, shall be deemed to be guilty of bigamy.

## Dissolution of marriage.

19 No marriage shall be dissolved during the lifetime of the parties except by judgment of divorce *a vinculo matrimonii* pronounced in some competent court, and which judgment shall be founded either on the ground of adultery subsequent to marriage or of malicious desertion, or of incurable impotency at the time of such marriage, and every court in this island having matrimonial jurisdiction is hereby declared competent to dissolve a marriage on any such ground.

## Suits to compel marriage prohibited.

20 No suit or action shall lie in any court to compel the solemnization of any marriage by reason of any promise or contract of marriage, or by reason of the seduction of any female, or by reason of any cause whatsoever. No such promise, or contract, or seduction shall vitiate any marriage duly solemnized and registered under this Ordinance. Provided that nothing herein contained shall prevent any person aggrieved from suing for or recovering in any court damages which are lawfully recoverable for breach of promise of marriage, for seduction, or for any other cause.

## Legitimizing of illegitimate children.

21 A legal marriage between any parties shall have the effect of rendering legitimate the birth of any children who may have been procreated between the same parties before the marriage, unless such children shall have been procreated in adultery.

## Consent to marriage of a minor.

22 (1) The father of any person under twenty-one years of age not being a widow or widower, or if the father be dead or under legal incapacity or in parts beyond the island and unable to make known his will, the mother, or, if both father and mother be dead or under legal incapacity, or in parts beyond the island and unable to make known their will, the lawful guardian or guardians of the party so under age shall have authority to give consent to the marriage of such party, and such consent is hereby required for the said marriage.

(2) If there be no person authorized as aforesaid to give consent, or if the person so authorized unreasonably withholds or refuses his or her consent, it shall be lawful for the judge of the district court within whose jurisdiction the party so under age shall reside, upon the application of such party, and after summary inquiry, to give its consent to the said marriage, and such consent is required for the said marriage.

Notice of marriage to be given to registrar.

**23** In every case of marriage intended to be solemnized one of the parties shall give notice to a registrar of the division in which both parties shall have dwelt for not less than ten days then next preceding, or, if the parties shall not have dwelt in the same division for ten days next preceding, but in different divisions, then each party shall give notice to the registrar of the division in which he or she shall have dwelt for not less than ten days.

Form of notice and declaration.

**24** (1) Such notice may be given to the registrar at any place within his division, and shall be substantially in the form D in the second schedule hereto, and shall state the name in full, and where the party has more than one name, such additional name or names, the age, profession, condition, and dwelling-place of each of the parties intending marriage, and shall bear on its face the written consent of any person whose consent is required by law.

(2) The party giving the notice shall make and sign or subscribe a solemn declaration in writing in the body or at the foot of such notice, that he or she believes that there is no impediment of kindred or alliance or other lawful hindrance to the said marriage, and that the parties to the said marriage have for the space of ten days immediately preceding the giving of such notice dwelt within the division of the registrar or registrars to whom such notice or notices shall be so given, and that the consent of the person or persons whose consent is required by law has been given and embodied in the notice.

(3) Every such notice and declaration shall be signed and subscribed by the party giving or making the same in the presence of the registrar and two credible witnesses, who shall attest the same by adding each his name, description and place of abode, and of whom the registrar or the witnesses shall be personally acquainted with either or both of the parties, and in case the registrar is not acquainted with the parties, he shall be acquainted with the witnesses, or the witnesses shall be resident in his jurisdiction.

Notice where one party has not acquired residence in the island.

**25** In case one of the parties to the intended marriage shall not have acquired a residence in the island, he or she shall give notice to the nearest registrar, in addition to such notice as shall have been given by the other party to the registrar within whose division he or she has resided not less than ten days. In the body or at the foot of the notice given as aforesaid to the nearest registrar, the party giving such notice shall make, sign, and subscribe a declaration that he or she believes that there is no impediment of kindred or alliance or other lawful hindrance to the said marriage, that he or she has only recently arrived in the island (or, as the case may be), and thereby has been prevented from acquiring a residence in any registration division in the island, and that the consent of the person or persons whose consent is required by law has been given and embodied in the notice. Such notice and declaration shall be signed, subscribed, and attested in the manner prescribed in the last section, and such declaration shall bear a stamp of the value of ten rupees.

Publication of notice.

**26** (1) Every registrar to whom notice of an intended marriage is duly given as aforesaid shall forthwith enter in the notice the date of its receipt and file and keep it with the records of his office, and shall forthwith enter the particulars of the notice substantially in the form E in the second schedule hereto, in a book to be called the Marriage Notice Book, which shall be open at all reasonable times without fee to the inspection of persons interested in any entry therein.

(2) The registrar shall cause a true copy under his hand of the notice of marriage or of the particulars thereof as entered in the marriage notice book, to be suspended or affixed in some conspicuous place in his office, during twenty-one successive days after the entry of such notice, and in such other places as may be appointed by the Registrar-General.



(3) If the parties to the intended marriage shall have given notice to different registrars under section 23 or 25, each registrar shall, upon receipt of the notice, give a certified copy thereof to the party giving such notice to be delivered to the other registrar, and shall also enter, file, and publish the notice as aforesaid.

Issue of certificate.

27 At any time not less than twenty-one days (except as provided in section 28), nor more than three months (except as provided in section 31) from the entry of the notice, the registrar, or, where the notice has been given to two registrars, each of them, shall upon application of the party giving such notice, and on receipt of the certified copy of the notice, if any, given to the other registrar, issue a certificate substantially in the form F in the second schedule hereto, provided that in the meantime no lawful impediment to the issuing of such certificate be shown to the registrar, and provided that the issuing of such certificate shall not have been forbidden, or a caveat entered in manner hereinafter provided.

And every such certificate shall state the particulars set forth in the notice, and the day on which it was entered, and that the issue of the certificate has not been forbidden by any person lawfully empowered in that behalf, and that the full period of twenty-one days has elapsed since the entry of the notice.

License to issue certificate before expiry of twenty-one days.

28 At any time after the entry of the notice it shall be lawful for the Registrar-General by license under his hand, in the form G set forth in the second schedule hereto, to authorize the registrar or each of the registrars to whom the notice has been given to issue his certificate after the expiration of one whole day from the issue of the license, provided that in the meantime no lawful impediment to the issuing of such certificate shall be shown to the satisfaction of the Registrar-General, and provided that the issue of such certificate shall not have been forbidden or a caveat entered in the manner hereinafter provided.

(2) Before the issue of such license one of the parties to the intended marriage shall appear personally before the registrar to whom he or she has given notice and make oath or solemn affirmation that he or she believes that there is not any impediment of kindred or alliance or of any other lawful cause, and that the issue of the certificate has not been forbidden, nor any caveat entered, nor any suit pending in any court to bar or hinder the said marriage.

(3) For every such license the party requiring it shall supply a stamp of thirty rupees.

(4) Where the parties to the intended marriage have given notice to two registrars under section 23 or 25 the license shall be substantially in the form H in the second schedule hereto, and shall be forwarded by the Registrar-General to the registrar before whom the oath or affirmation was made as aforesaid, and a copy of the license certified under the hand of the Registrar-General to the other registrar.

(5) The registrar or each of the registrars shall upon receipt of the license or certified copy as aforesaid issue his certificate, and every such certificate shall state the particulars set forth in the notice, and the day on which it was entered, and that the issue of the certificate has been authorized by the license of the Registrar-General.

Forbidding of issue of certificate.

29 Every person whose consent to a marriage is required by law may forbid the issue of the registrar's certificate by signing and subscribing, in the presence of the registrar and of two credible witnesses, who shall be personally acquainted with the person forbidding, and shall be known to the registrar or be resident within his jurisdiction, and by delivering to him a notice in writing substantially in the form I in the second schedule hereto, with his or her name, place of abode, and relationship to the party whose marriage is forbidden.

Caveat.

30 (1) Any person may at any time before the issue of the certificate enter a caveat against its issue. Such caveat shall be substantially in the form J in the second schedule hereto.

(2) The caveat shall contain a statement of the name and residence of the caveator, the names and residences of the parties to whose marriage he objects, and the grounds on which he objects to the marriage, and shall be written on paper bearing a stamp of ten rupees, and shall be signed in the presence of the registrar and of two credible witnesses (who shall be personally acquainted with the caveator, and shall be known to the registrar or resident within his jurisdiction), and shall be delivered to the said registrar.

Proceedings on marriage being forbidden or caveat entered.

31 (1) In the event of a marriage being forbidden or of a caveat being entered as aforesaid, the registrar shall refuse to issue a certificate, and shall forthwith make report to the district judge of the district within which his registration division is situated. Such report shall be substantially in the form K in the second schedule hereto, and shall contain a copy of the notice of marriage and of the notice forbidding the marriage or of the caveat entered.

(2) The district judge shall thereon proceed to make summary inquiry (in which the person forbidding the marriage or entering the caveat shall be respondent) into the grounds of objection to the marriage, and shall order the certificate to issue or not to issue as shall appear to him just, and he shall have power, if it be proved to his satisfaction that the marriage was forbidden or caveat entered by such person on frivolous or vexatious grounds, to impose on him a fine not exceeding five hundred rupees.

(3) The order of the district judge shall be subject to appeal to the Supreme Court, and all proceedings in the district court and the Supreme Court under this section shall be exempt from stamp duty.

(4) A copy of the order of the district court or of the Supreme Court in appeal, certified under the hand of the district judge, shall be forwarded by him to the registrar, who shall thereon issue or refuse to issue the certificate as such order shall direct.

(5) The time taken up in disposing as aforesaid of the objection to the marriage shall not be taken into account in the calculation of the period of three months under section 27 or 41.

Modes of solemnization of marriage—

- (1) by minister
- (2) by registrar.

32 On the production of the certificate of the registrar, or, where the parties intending marriage have given notice to two registrars under section 23 or 25, on the production of the certificate of each of the registrars, to a minister or a registrar, it shall be lawful for a marriage to be solemnized between the said parties by the minister in a registered place of worship, or by the registrar in his office, station, or other prescribed place, provided that there be no lawful impediment to the marriage.

Solemnization of marriage by minister.

33 (1) A marriage in a registered place of worship shall be solemnized by the minister of such building or a minister thereto authorized by him, with open doors, between eight o'clock in the morning and six o'clock in the afternoon, in the presence of two or more credible witnesses, and according to the rules, customs, rites, and ceremonies of the church, denomination, or body to which such minister belongs, and not otherwise, nor in any other place or time.

(2) No minister shall be compelled to solemnize a marriage between persons either of whom shall not be a member of the church, denomination, or body to which such minister belongs, nor otherwise than according to the rules, customs, rites, and ceremonies of such church, denomination, or body.

Record of marriage by minister.

34 (1) Immediately after the solemnization of any marriage the minister by whom it was solemnized shall enter in duplicate in foil and counterfoil, in a book to be kept for that purpose in the said registered building, a statement of the particulars of the marriage substantially in the form L in the second schedule hereto.

(2) The statement shall be signed by the minister, by the parties to the marriage, and by two respectable witnesses who shall have been present at the solemnization thereof, and who shall be personally acquainted with the parties and (in the event of the parties not being known to the minister) also with the minister, and who shall add their full names and their places of residence and occupations.

(3) The minister shall see that the particulars entered in the book regarding the names, condition, age, profession or occupation, and residence of the parties to the marriage correspond with the particulars given in the registrar's certificate, and that the parties and witnesses sign their names as legibly as possible. If any party or witness signs illegibly, or affixes a mark or cross, the minister shall write the name of such party or witness immediately over such signature or mark with the words "This is the signature of .....,," or "This is the mark of .....,," immediately preceding such name.

Transmission of the counterfoil of the minister's record to the registrar by the minister.

**35** The minister shall within twenty-four hours from the date of the solemnization of the marriage separate from the register book the counterfoil statement of the marriage and transmit the same to the registrar upon whose certificate the marriage was solemnized, or, if it was solemnized upon the certificates of two registrars, to the registrar who received notice of marriage from, and issued the certificate to, the male party to the marriage.

Registration of the marriage.

**36** (1) The registrar shall within twenty-four hours of the receipt of the counterfoil statement enter the particulars thereof in duplicate into a marriage register book to be kept by him substantially in the form M in the second schedule hereto, and shall certify the entry to be a true copy of the counterfoil statement of the minister, and shall carefully preserve the said counterfoil until despatched to the Registrar-General as in section 39 provided.

The only evidence of the marriage.

(2) The entry made by the registrar in his marriage register book shall constitute the registration of the marriage, and shall be the only evidence thereof before all courts and in all proceedings in which it may be necessary to give evidence of the marriage.

Solemnization of marriage by registrar.

**37** (1) A marriage in the presence of the registrar shall be solemnized between the parties at his office or station with open doors, and between the hours of eight o'clock in the morning and six o'clock in the afternoon, and in the presence of two or more respectable witnesses, and in the following manner.

(2) The registrar shall address the parties to the following effect :—"Be it known unto you, A. B. and C. D., that by the public reception of each other as man and wife in my presence, and the subsequent attestation thereof by signing your name to that effect in the registry book, you become legally married to each other, although no other rite of a civil or religious nature shall take place; and know ye further that the marriage now intended to be contracted cannot be dissolved during your lifetime except by a valid judgment of divorce, and that if either of you before the death of the other shall contract another marriage before the former marriage is thus legally dissolved, you will be guilty of bigamy, and be liable to the penalties attached to that offence."

(3) Each of the parties shall then make in the presence of the registrar and witnesses the following declaration :—"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. here present," and each party shall say to the other "I call upon all persons here present to witness that I, A. B., do take thee, C. D., to be my lawful wedded wife (or husband)."

(4) If either of the parties be deaf or dumb as well as unable to write, the declaration and statement shall be interpreted to him or her and his or her assent obtained by whatever means of communication are commonly used by him or her, and the registrar shall take special care to satisfy himself that the party understands, assents to, and adopts the declaration and statement.

Registration of  
the marriage.

38 (1) The registrar shall then enter in foil and counter-foil a statement of the particulars of the marriage in his marriage register book in the form M in the second schedule hereto, and shall cause the entry to be signed by the parties and witnesses, and himself sign it in the manner prescribed in regard to a marriage solemnized by a minister.

The only  
evidence of the  
marriage.

(2) The entry shall constitute the registration of the marriage, and shall be the only evidence thereof before all courts and in all proceedings in which it may be necessary to give evidence of the marriage.

(3) This entry as well as the entry under section 36 shall be made in the same book and numbered consecutively according to the order of registration.

39 The counterfoil of the entry made by the registrar under section 36 or 38 shall be separated from the book by him and forwarded, together with the counterfoil received from the minister under section 35, to the assistant provincial registrar of his district, or if there be no assistant provincial registrar, to the provincial registrar, before the fifth day of the following month, and by the assistant provincial registrar or the provincial registrar to the Registrar-General, who shall cause the same to be filed and preserved in his office; and if no marriage shall have been registered during any month the said registrar shall certify such fact under his hand, and transmit such certificate in the manner prescribed in regard to the transmission of the counterfoil entry.

Solemnization of  
marriage by  
registrar  
outside his office  
or station or the  
prescribed  
hours.

40 (1) In case the female party to an intended marriage belongs to a class of people to whose habits and feelings it is contrary to require their females to appear in public before wedlock, it shall be lawful for the Registrar-General to issue a license empowering a registrar to solemnize the marriage of such female at such place and hour as the parties may prefer and as may be named in the license, provided that the requirements of this Ordinance in all other respects than the place and hour of marriage shall be fully complied with.

(2) In case the female party shall not belong to the class of people mentioned in the last sub-section, it shall be lawful for the Registrar-General, upon the application of one of the parties to the intended marriage, and which application shall bear a stamp of the value of thirty rupees, to issue a license empowering a registrar to solemnize the marriage at such place and hour as the parties may prefer and as may be named in the license, provided that in every other respect than the place and hour of marriage the requirements of the Ordinance shall be fully complied with.

New notice  
required after  
three months.

41 Whenever a marriage shall not be had within three months, except as provided in section 31 (5), after the notice thereof shall have been entered by the registrar, or, if notices have been given to and entered by two registrars, after the earlier notice shall have been entered, the notice and any license or certificate which may have been granted thereupon, and all other proceedings thereupon, shall be utterly void; and no person shall proceed to solemnize the marriage, nor shall any registrar register the same, until new notice shall have been given and entry made and certificate thereof given in the prescribed manner.

Deathbed  
marriages.

42 (1) It shall be competent for a minister to solemnize a marriage between parties of whom one is believed to be on the point of death without the preliminaries required by this Ordinance, provided that such person is of sound mind, memory, and understanding, and provided that the minister shall immediately enter a statement of the particulars of the marriage in the book and in the manner prescribed by section 34, and shall at the foot of such entry in foil and counter-foil make a certificate signed by himself and the witnesses to the solemnization, which certificate shall be substantially to this effect: "We certify that A. B., one of the parties to the above marriage, is to the best of our knowledge and

belief at the point of death, but of sound mind, memory, and understanding," and provided also that within twenty-four hours of such solemnization the minister shall forward to the nearest registrar the counterfoil of such entry and certificate.

(2) The parties shall thereupon make before the registrar at any place within his division, and at any hour, a joint acknowledgment of the marriage in the form N in the second schedule hereto, and a copy of such acknowledgment shall be forthwith transmitted by the registrar to the assistant provincial registrar and the district judge of the district, and shall be published in the *Government Gazette* and posted in a conspicuous place in the offices of the Registrar and of the assistant provincial registrar and in the district court. On the expiration of twenty-one days from the date of such acknowledgment the registrar is hereby authorized to enter the marriage in the Marriage Register Book kept by him under section 36, provided, however, that no caveat shall have been lodged or other proceedings taken by way of prohibition under sections 29, 30, and 31.

(3) On the entry of such marriage in the Register Book such marriage shall be deemed to be valid and effectual for all purposes, and such entry shall be the only evidence of the marriage before all courts and in all proceedings in which it may be necessary to give evidence of the marriage.

Proof of certain matters not necessary to validity of registered marriage.

43 After any marriage shall have been registered under this Ordinance it shall not be necessary in support of such marriage to give any proof of the actual dwelling or of the period of dwelling of either of the parties previous to the marriage within the division stated in any notice of marriage to be the place of his or her residence, or of the consent to any marriage having been given by any person whose consent thereto is required by law, or that the place or hour of marriage was the place or hour prescribed by this Ordinance, nor shall any evidence be given to prove the contrary in any suit or legal proceedings touching the validity of such marriage.

Mode of supplying omission and correcting errors in registration.

44 Where a marriage has been heretofore contracted or shall hereafter be contracted which, without fault of the parties thereto, may have been omitted to be registered, or may have been erroneously registered, it shall be lawful for either of the said parties, or in the case of his or her death, the issue or other lawful representative of such party, to apply to the district court having jurisdiction over the registration division where the marriage took place, to have such marriage duly registered, or the erroneous registration annulled, and the court, after due notice to the Registrar-General and the divisional registrar before whom the marriage took place, and such other parties as to the court shall seem expedient, and after hearing such evidence as may be produced before it or as it may think fit to call, shall, if it be satisfied that such marriage has been duly contracted and not registered, or not correctly registered, without fault of the parties thereto, order the marriage to be correctly registered, and the Registrar-General shall thereupon cause the marriage to be correctly registered according to the directions of the court.

Penalty on making false declaration or giving false notice.

45 Any person who shall knowingly or wilfully make any false declaration or sign any false notice required by this Ordinance for the purpose of procuring any marriage, and every person who shall forbid the granting by any registrar of a certificate for marriage by falsely representing himself or herself to be a person whose consent to such marriage is required by law, knowing such representation to be false, shall be guilty of the offence of giving false evidence under chapter XI. of the Ceylon Penal Code, and be liable to the penalties therein prescribed.

Clandestine marriages.

46 If both the parties to any marriage shall knowingly and wilfully intermarry under the provisions of this Ordinance in any place other than that prescribed by this Ordinance, or under a false name or names, or without certificate of notice duly issued, or shall knowingly or wilfully consent to or acquiesce in the solemnization of the marriage by a person

who is not authorized to solemnize the marriage, the marriage of such parties shall be null and void.

Solemnization of marriage by means of a false document.

47 If any valid marriage shall be had under this Ordinance by means of any wilfully false notice, certificate, or declaration made by either party to such marriage as to any matter to which a notice, certificate, or declaration is required, it shall be competent for the proper district court, upon the application of either of the parties, or, if the marriage shall have been had without the consent of the person whose consent was by law required, upon the application of such person or of the Attorney-General, and after due inquiry, to order and direct that all estate and interest in any property accruing to the offending party by the force of such marriage shall be forfeited, and shall be secured under the direction of the court for the benefit of the innocent party or of the issue of the marriage or of any of them in such manner as the said court shall think fit for the purpose of preventing the offending party from deriving any interest in any real or personal estate or pecuniary benefit from such marriage; and if both the contracting parties shall in the judgment of the court be guilty of any such offence as aforesaid, it shall be lawful for the court to settle and secure such property or any part thereof immediately for the benefit of the issue of such marriage, subject to such provision for the offending party by way of maintenance or otherwise as the court may think fit. The order of the district court shall be subject to appeal to the Supreme Court.

Settlements and agreements in regard to such marriage void.

48 All agreements, settlements, and deeds entered into or executed by the parties to any such marriage in contemplation of, or before or after, or in relation to, such marriage shall be absolutely void, and have no force or effect so far as the same shall be inconsistent with the provisions of the security and settlement made by the court as aforesaid.

Books to be kept.

49 (1) The Registrar-General, provincial registrars, assistant provincial registrars, and divisional registrars and ministers of registered buildings shall keep books for the purposes of this Ordinance of such form and material as is prescribed by this Ordinance, or shall be prescribed by the Governor in Executive Council, and shall carefully preserve such books, and shall at no time allow such books or other documents kept under this Ordinance to remain out of their possession except in obedience to an order of a competent court, or except as provided in this Ordinance, or by any rules made by the Governor in Executive Council.

(2) Every divisional registrar or minister of a registered place of worship shall, when called upon by the Registrar-General, or by the provincial registrar, or assistant provincial registrar within whose local jurisdiction such divisional registrar resides, or such registered place of worship is situated, produce for inspection all books, documents, and papers which are in his possession as such registrar or minister.

(3) As each book of registers is completed by a divisional registrar, he shall forward it, with all connected books, documents, and papers to the assistant provincial registrar, or, if there be no assistant provincial registrar, to the provincial registrar, who shall preserve them in his office.

Forms.

50 (1) The forms in the schedules to this Ordinance, or forms substantially resembling the same, shall be used in all cases in which they are applicable, and when so used shall be valid in law.

(2) It shall be lawful for the Governor in Executive Council, by order published in the *Government Gazette*, to alter from time to time all or any of the forms contained in the schedules to this Ordinance, or in any rule or order made thereunder, in such manner as may appear to him best for carrying into effect this Ordinance, or to prescribe new forms for that purpose. Every form when altered in pursuance of this section shall have the same effect as if it had been contained in a schedule to this Ordinance.

Search and issue of certified copies of extracts.

51 All persons shall be entitled, on making a written application to the Registrar-General, provincial registrar, assistant provincial registrar, or divisional registrar, and under such conditions as shall be prescribed by the Governor in Executive Council, to refer to any book or document kept under this Ordinance, and in the possession of such Registrar-General, provincial registrar, assistant provincial registrar, or divisional registrar, and shall on a written application and on payment of such fees as the Governor in Executive Council may prescribe, be entitled to demand a certified copy or extract of or from every entry in such book or document.

Provided that every written application shall bear a stamp of fifty cents where the application states the year in which the entry sought for was made, and a stamp of two rupees and fifty cents where the year is not stated, and provided that every such certificate, copy, or extract bears a stamp of seventy-five cents to be supplied by the party applying for the same.

Certified copy or extract to be *primâ facie* evidence.

52 Such copy or extract if purporting to be made under the hand of the Registrar-General, or of his office assistant, or of the provincial registrar, or of the assistant provincial registrar, or if purporting to be made under the hand of the divisional registrar, and countersigned by the Registrar-General, provincial registrar, or assistant provincial registrar, shall be received as *primâ facie* evidence of the matter to which they relate, without any further or other proof of such entry.

Delivery of records on registrar ceasing to hold office.

53 (1) In every case in which a divisional registrar shall cease to hold office, all the books, documents, papers, and other articles in his possession as such registrar, shall be delivered by him or by his legal representative as soon as conveniently may be, with a list thereof, to the assistant provincial registrar of his district, or if there is no assistant provincial registrar, to the provincial registrar, and such assistant provincial registrar or provincial registrar shall carefully arrange and preserve them in his office, save and except the incomplete books which were in actual use by the registrar at the time he ceased to hold office, and which shall be delivered by the assistant provincial registrar or the provincial registrar to the successor in office of the divisional registrar.

(2) All books of registers kept under any of the Ordinances mentioned in the first schedule to this Ordinance, and which shall have been completed at the commencement of this Ordinance, shall be forwarded forthwith, together with all connected books, documents, and papers, and a list thereof, by the registrar or any other person who may be in possession of them, to the assistant provincial registrar, or if there be no assistant provincial registrar, to the provincial registrar within whose local jurisdiction such registrar or other person resides, and shall be carefully arranged and preserved by such assistant provincial registrar or provincial registrar.

Penalty for non-delivery.

54 If any person being, by virtue of his office as registrar or otherwise, in possession of books, documents, papers, and other articles specified in the last section, shall fail, neglect, or refuse to deliver them to the assistant provincial registrar or provincial registrar, he shall be guilty of an offence, and be liable to punishment with imprisonment, simple or rigorous, for any term not exceeding two years and to a fine, and further to be detained in jail until he shall have delivered the same, or until satisfaction shall have been given in respect thereof to the Registrar-General.

Penalty for losing or injuring a document.

55 Every person having the custody of any book or document made under this Ordinance or certified copy of such book or document, or of any part thereof, who shall

carelessly lose or injure the same, or carelessly allow the same to be injured while in his keeping, shall be guilty of an offence, and liable to a fine of one hundred rupees, or to imprisonment, simple or rigorous, for a period not exceeding three months, or to both fine and imprisonment.

Penalty for destruction of documents and for giving false certificates.

56 Every person who shall knowingly and wilfully tear, deface, destroy, or injure any notice, certificate, declaration, book, or any document whatsoever kept under this Ordinance, or any part thereof, or of certified copy thereof, or of part thereof, or shall knowingly and wilfully insert therein any false entry of any matter relating to any marriage or intended marriage, or sign or issue any false certificate relating thereto, or certify any writing to be a copy or extract of any such book or document, knowing such book or document to be false in any particular, shall be guilty of an offence, and be liable to punishment, simple or rigorous, for a term not exceeding seven years and to a fine.

Penalty for omission to register.

57 Every registrar who without reasonable cause refuses or omits to register a marriage, or to accept or enter a notice of marriage or any particulars concerning which information has been tendered to him, and which he ought to accept and enter, shall be liable to a penalty not exceeding one hundred rupees, or to imprisonment, simple or rigorous, for a period not exceeding three months, or to both fine and imprisonment.

Offences by minister.

58 Any minister who shall solemnize a marriage before the delivery to him of the certificate or certificates required by this Ordinance, or who shall fail to enter duly in his marriage register the statement of a marriage on the day in which it was solemnized by him, or to transmit within twenty-four hours after the entry of the statement of the marriage the counterfoil of such statement to the proper registrar, or who shall enter in the marriage register any marriage not solemnized in accordance with the provisions of this Ordinance, or who shall fail to perform any act required of him by this Ordinance, or shall perform any act forbidden or declared unlawful, or not to be lawful by this Ordinance, shall be guilty of an offence, and shall be liable to a fine not exceeding two hundred rupees.

Undue solemnization of marriage and issue of certificate.

59 Any person who shall knowingly and wilfully solemnize or pretend to solemnize a marriage not being legally competent to do so, or between parties not legally competent to contract the same, or before the issue of the registrar's certificate required by this Ordinance, or in any place or at any time not authorized by the provisions of this Ordinance, or who shall knowingly and wilfully solemnize a marriage declared to be not valid or to be null and void by this Ordinance, and any registrar who shall knowingly and wilfully issue a certificate before or after the expiration of the prescribed period, or, if the marriage shall have been forbidden or a caveat entered under this Ordinance, before the disposal of such objection by a competent court, and any registrar or minister who shall knowingly disobey any direction of the law as to the way in which he is to conduct himself, intending to cause or knowing it to be likely to cause injury to any person or to the Government, shall be guilty of an offence, and liable to imprisonment, simple or rigorous, for any term not exceeding two years, and to a fine not exceeding one thousand rupees.

Sending certificates, &c., by post.

60 All notices, informations, declarations, certificates, requisitions, returns, and other documents required or authorized by this Ordinance to be delivered, sent, or given to or by the Registrar-General, or provincial registrar, or assistant provincial registrar, or a registrar, or a minister, may be sent by post (according to the prescribed rules of the postal department) either in a prepaid letter or free on Her



Majesty's Service, and the date at which they would be delivered to the person to whom they are sent in the ordinary course of post shall be deemed to be the date at which they are received; and in proving such sending, it shall be sufficient to prove that the letter was prepaid, or (if it be a letter that might according to the rules of the postal department be sent free on Her Majesty's Service) sent free on Her Majesty's Service, and that it was properly addressed and put into the post.

Fees payable.

61 The fees enumerated in the third schedule hereto shall be payable by and to the persons therein mentioned and for the duties therein specified. In default of payment of such fees the person to whom it is payable shall, subject to the prescribed rules, refuse until payment to perform the duty for which such fee is payable.

Proceedings in courts to be exempt from stamp duty.

62 All proceedings in a court of justice under this Ordinance shall be exempt from stamp duty unless otherwise specially provided.

FIRST SCHEDULE.

Ordinances, Rules, &c.	Title.	Extent of Repeal.
Ord. 6 of 1847	An Ordinance to amend in certain respects the Law of Marriages and to provide for the better registration of Marriages, Births, and Deaths	So much as relates to marriages, except such portions as have been already repealed
Ord. 13 of 1863	An Ordinance to amend in certain respects the Law of Marriages in this Island and to provide for the due registration thereof	The whole
Ord. 8 of 1865	An Ordinance to amend the Ordinance No. 13 of 1863	The whole
Ord. 15 of 1877	An Ordinance to amend the Ordinances No. 6 of 1847, No. 13 of 1863, No. 8 of 1865, and No. 18 of 1867	The whole, as far as it relates to marriages
Ord. 11 of 1892	An Ordinance to authorize the appointment of Additional Provincial and District Registrars	do.
All rules and regulations framed under the authority of any of the above Ordinances and now in force	—	The whole, so far as they relate to marriages, subject to the proviso of subsection 1 of section 2 of this Ordinance

SECOND SCHEDULE.

## THIRD SCHEDULE.

Payable to whom.	For what Duty.	Payable by whom.	Amount.
			Rs. c.
Registrar	Entering a notice of marriage at his office	Applicant	0 50
Do.	Entering a notice of marriage at any other place	do.	2 50
Do.	Issuing certificate of marriage ...	do.	0 50
Do.	For every marriage solemnized in his office	Parties to marriage	1 50
Do.	For every marriage solemnized outside his office under section 40 (1)	do.	5 0
Do.	For every acknowledgment of a death-bed marriage at his office	do.	1 50
Do.	For every acknowledgment of a death-bed marriage outside his office	do.	5 0
Do.	For every marriage solemnized outside his office under section 40 (2)	do.	10 0
Do.	For searching a register of marriage extending over a year, or less	Applicant	1 0
Do.	For searching a register of marriage extending over a year, for every additional year	do.	0 50
Do.	For every certified copy or extract of marriage including certified copy under section 26 (3)	do.	0 50

By His Excellency's command,

E. NOEL WALKER,  
Colonial Secretary.Colonial Secretary's Office,  
Colombo, November 23, 1894.