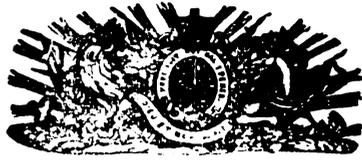


ORDINANCE No. 28 OF 1912.



AN ORDINANCE

*Enacted by the Governor of Mauritius, with the advice  
and consent of the Council of Government, thereof.*

**To make better provision for the registration  
of Indian Marriages.**

*I assent,*

**J. R. CHANCELLOR,**  
Governor.

*17th. December, 1912.*

BE IT ENACTED by the Governor, with the advice  
and consent of the Council of Government, as follows:—

**Definition.** 1. In this Ordinance “priest” means any  
Mahomedan or Hindu priest appointed by  
the Governor as unpaid Civil Status Officer for the cele-  
bration of marriages between Mahomedans or Hindus of  
the same religion as such priest.

**Marriage by Indian priest.** 2.—(1) It shall be lawful for any priest  
without previous publication and without  
any other formality required by Ordinance No. 26 of  
1890 to solemnize marriage between Mahomedans or  
Hindus of the same religion as such priest; and such mar-  
riage shall, subject to the provisions of this Ordinance,  
be as valid as if it had been celebrated by an Officer of  
the Civil Status in conformity with the provisions of  
Ordinance No. 26 of 1890; provided that nothing in  
this article shall be deemed to affect or to modify the  
provisions of articles 46 to 51 of that Ordinance relating  
to the qualifications and conditions necessary for con-  
tracting marriage.

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(2) The Governor may assign one or more districts to such priest or assign to him the whole Colony.

(3) Publication in the Gazette of the appointment of such priest and of the assignment to him of any district or districts or of the whole Colony shall be sufficient notification of such appointment or assignment.

(4) The Governor may, at any time, cancel the appointment of any such priest, and publication in the Gazette of such cancellation shall be sufficient notification of the same.

Conditions for validity of marriage. 3. No such marriage shall be celebrated unless :—

(a) both parties are able to signify their consent thereto and to affix their signature or mark to the act of marriage in presence of two witnesses, who shall sign or mark the act; and

(b) when the intended husband is under 21 or the intended wife under 18 years of age, the father or mother whose consent may be required under Ordinance No. 26 of 1890 has authorised the marriage in writing or given his or her consent by signing or marking the act.

Legitimation. 4. The provisions of Ordinance No. 26 of 1890 relating to the legitimation of natural children by acknowledgment in the marriage form shall apply to acknowledgments made at marriages solemnized under this Ordinance.

Register of marriages. 5.—(1) An Act of marriage shall be forthwith drawn up by the priest in English, Hindustani, Hindi or Tamil, as nearly as possible in the form of the annexed Schedule, in a special Register which shall be supplied to him yearly by Registrar the General.

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(2) The pages of such register shall be numbered and shall also bear the initials, written or stamped, of the Registrar General.

(3) In each page one act only shall be inscribed.

(4) No blank page shall be left between two declarations but such acts shall be inscribed consecutively and without interruption.

(5) Every such register shall be closed at the end of each year and forwarded to the Registrar General before the end of January of the ensuing year with a memorandum drawn up, dated and signed by the priest in which the number of acts entered in the register shall be recorded.

(6) It shall be the duty of the Registrar General to issue before the 1st. December in each year to every priest a new register for the following year, together with printed forms of the annexed schedule for copies under article 6 following.

(7) Any such register may be called for, examined, inspected or verified by the Registrar General or the Civil Status Officer of the District in which any marriage registered therein has been celebrated, and shall for the purposes of Ordinance No. 26 of 1890 be held to be a register under that Ordinance.

Priest to forward copy of act to Civil Status Officer. 6.—(1) It shall be the duty of such priest within eight days from the celebration of a marriage, under penalty of a fine not exceeding Rs. 500, to forward to the Civil Status Officer of the District a certified copy of the act of marriage and thereupon it shall be the duty of such Officer forthwith to register such act in a special register.

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Provided that in the case of an act drawn up in Hindustani, Hindi or Tamil, the Civil Status Officer shall cause the same to be translated into English by the proper Interpreter attached to the Supreme Court, and shall register the translation.

(2) The copy received from the priest and the translation, if any, shall be dealt with as every instrument or document received by an Officer of the Civil Status under article 24 of Ordinance No. 26 of 1890.

Penal clause.

7. Any priest who :

inscribes (a) any act of marriage upon loose sheets ;  
or draws up or registers any such act otherwise than in conformity with the provisions of this Ordinance ; or

(b) celebrates a marriage without proof of the consent of the parents whose consent is required by this Ordinance, or before he has been appointed by the Governor or after cancellation of his appointment under article 2 ; or otherwise than in strict conformity with the provisions of this Ordinance ; or

(c) celebrates the marriage of a widow when the delay fixed by article 228 of the Civil Code has not expired, shall be liable to a fine not exceeding Rs. 500.

Short title and coming into force.

8. This Ordinance may be cited as "The Civil Status (Indian Marriages) Amendment Ordinance, 1912" and shall come into force on a day to be fixed by Proclamation."

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*The Civil Status (Indian Marriages) Amendment  
Ordinance, 1912.*

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Passed in Council at Port Louis, Island of Mauritius,  
this tenth day of December, one thousand nine hundred  
and twelve.

E. BATHFIELD,  
Clerk of the  
Council of Government.

Published by order of His Excellency the Governor,  
this seventeenth day of December, one thousand nine  
hundred and twelve.

J. MIDDLETON,  
Acting Colonial Secretary.

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**SCHEDULE.**

*Form of marriage under Ordinance No. 191 of 1912.*

No.	Date and place of Marriage.	Names and Surnames of parties.	Age and place of birth.	Place of abode of parties.	Condition, rank and profession.	Names and surnames of parents whose consent is required with rank or profession and domicile.	Names and surnames of witnesses and relatives present with their rank or profession and residence.	Religious denomination of parties.	Children born from intercourse before marriage.	Marginal entries.

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Married by me after the said contracting parties have solemnly declared to me in the presence of the undersigned witnesses and relatives that they are willing to take each other for husband and wife, with the consent of ..... and that from their intercourse have been born before their marriage the children hereinbefore mentioned whom they acknowledge as their children in order that they may be legitimated as if they had been born in marriage;—and the aforesaid parties, witnesses and relatives, after I have read over to them the present Act, have signed or marked it with me.

Signature or mark of }  
the parties married. }

In the presence of us { Signature or mark of witnesses  
and of parents whose consent  
is required.

A. B.

(Official title and religion of Priest.)

*Note* : Same in Hindustani, in Hindi and in Tamil.