CHAPTER 43.

An Act to encourage Regular Marriages in Scotland. [8th August 1878.]

WHEREAS it is expedient, in order to encourage the celebration of regular marriages in that part of the United Kingdom called Scotland, that provision should be made for the celebration of such marriages after notice to registrars:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Interpretation of terms.

1. In this Act—

(1.) "Registrar" means the registrar of births, deaths, and marriages for a parish or district under the Act of the seventeenth and eighteenth years of the reign of Her present Majesty, chapter eighty, intituled "An Act to provide for "the better Registration of Births, Deaths, and Marriages in Scotland," and the Acts amending the same:

(2.) "Registrar General" means the registrar general of births, deaths, and marriages in Scotland appointed under the said Act of the seventeenth and eighteenth years of the reign of Her present Majesty, and the Acts amending the same:

(3.) "Parish" and "district" have the meanings attached to them respectively in the said Act of the seventeenth and eighteenth years of the reign of Her present Majesty, and the Acts amending the same.

Short title.

2. This Act may be cited for all purposes as the Marriage Notice (Scotland) Act, 1878.

Commencement of Act.

3. This Act shall commence and come into operation on the first day of January one thousand eight hundred and seventy-nine, which date is herein-after referred to as the commencement of the Act.

Ministers, &c. may celebrate marriages on registrar's certificate.

4. From and after the commencement of this Act it shall be lawful for ministers, clergymen, or priests in Scotland to celebrate marriages therein after such publication of notice of an intention to marry as is herein-after prescribed, and upon production to such minister, clergyman, or priest of a certificate or certificates of such publication as herein-after prescribed; and any marriage so celebrated shall be deemed to be a regular marriage as if it had been celebrated by such minister, clergyman, or priest after the proclamation of banns of marriage according to the mode now in use.

Regarding Quakers and Jews.

5. Notwithstanding anything contained in this Act, the Society of Friends, commonly called Quakers, and the persons professing the Jewish religion, may contract and solemnize marriage according to the usages of the said Society and of the said persons respectively, and every such marriage is hereby declared and confirmed as a regular marriage, provided that the parties to such marriage be both of the said Society or both persons professing the Jewish religion respectively; provided also, that notice to the registrar of intention to marry shall have been given, and his certificate shall have issued in manner herein-after provided.

Registrar's certificate to be equivalent to certificate of proclamation of banns.

6. From and after the commencement of this Act a registrar's certificate of the publication of a notice of marriage in the manner provided for by this Act shall, for all purposes of law, save as herein-after provided, be of the same force and effect as a certificate granted by a session clerk or other proper officer for granting the same of the due proclamation of banns of marriage under the law in force before the commencement of this Act.

Notice of intended marriage may be given to registrars.

7. In every case of persons residing in Scotland intending that a regular marriage shall be contracted between them in Scotland without the proclamation of banns, each of such persons shall, on or about the same date, give notice of the intended marriage to the registrar of the parish or district in which he or she shall have resided for a period of not less than fifteen clear days previous to the giving of such notice, in the form as nearly

as may be set forth in the Schedule A. annexed to this Act; provided that when both of such persons reside within the same parish or district a single notice shall suffice.

Duties of registrars on receipt of a notice of marriage.

8. On the receipt of a notice of an intended marriage, along with the sum of one shilling and sixpence, the registrar, being satisfied that the notice is conformable to the requirements of this Act, shall forthwith enter the particulars set forth in the notice in "The Marriage Notice Book" herein-after mentioned, and shall on the same day post or put up in a conspicuous and accessible place on the door or outer wall of his office, a public notice of the intended marriage, in the form as nearly as may be set forth in the Schedule B. annexed to this Act, and shall keep the same so posted or put up for seven consecutive days thereafter.

The marriage notice book shall be open at all reasonable times to any person desirous of inspecting the same upon payment of one shilling.

Registrar to grant certificate.

9. The registrar, having complied with the requirements of this Act, shall, on the expiration of seven clear days after the receipt of the notice of an intended marriage, in the event of no objection to the marriage appearing on the face of such notice, or being stated to him as herein-after provided for, and upon payment of a fee of one shilling, grant to the person who gave the notice, or to any person authorised by the person who gave the notice, a certificate of the due publication thereof, hereafter in this Act referred to as the registrar's certificate, as nearly as may be in one of the forms set forth in Schedule C. annexed to this Act, and shall therein set forth whether any objection had been offered to such intended marriage.

Provisions as to objections to intended marriages.

10. The registrar shall disregard all objections to an intended marriage not appearing on the face of the notice, unless—

1. They shall be stated prior to the issuing of the certificate of publication:
2. They shall be stated in writing subscribed by the person taking the same:
3. The person taking the same shall appear personally to lodge the same with the registrar, and shall in his presence make and subscribe a declaration as nearly as may be in the form set forth in Schedule D. annexed to this Act, which the registrar shall endorse on the written statement of objections.

And with regard to objections, timely and duly stated as above provided, the following provisions shall have effect; that is to say,

(*a.*) Where the objection is that the persons intending to contract marriage, or either of them, had not resided fifteen clear days within the parish or parishes or districts or district before giving notice; or that such persons are wrongly named or described in the notice, or that either of them is so wrongly named or described; or that the notice is otherwise inaccurate in any detail; and generally where the objection does not set forth a legal impediment to a marriage between such persons, but relates to some formality or statutory requirement merely, the registrar shall suspend the issuing of his certificate, and shall consider the objection, and make such inquiry thereanent as he shall see fit, and report thereon as soon as may be to the sheriff or sheriff substitute of the county in which his office is situated, who shall, on such report, direct the notice to be amended and a certificate to be granted thereon without republication thereof, if he shall see fit; or to be cancelled, if he shall see fit, in which case it shall be competent for the persons intending to contract marriage to give notice de novo of their intended marriage:

(*b.*) Where the objection is that the persons intending to contract marriage are within the forbidden degrees of consanguinity or affinity, or are both or either of them already married, or are both or either of them not of a marriageable age, or are from any other legal incapacity disqualified to give such consent as is necessary for marriage; and generally where the objection sets forth any legal impediment to a marriage between them, the registrar shall suspend the issuing of his certificate until there shall be produced to him a certified copy of a judgment of a competent court of law to the effect that the parties are not in respect of the said objection disqualified from contracting such marriage.

Certificates of proclamation of banns and of notice to registrars to be of equal authority.

11. For the purposes of this Act a certificate from a session clerk of the due publication of banns, and a registrar's certificate granted under this Act, shall be of equal authority in authorising a minister, clergyman, or priest in Scotland to celebrate a regular marriage, and such marriage may be celebrated upon the production either of a certificate or certificates of due proclamation of banns, or of a registrar's certificate or registrars' certificates applicable to both parties, or a certificate of due proclamation of banns in the case of one of the parties, and of a registrar's certificate in the case of the other: Provided always, that whenever a marriage shall not take place within three months of the date of such registrar's certificate as aforesaid, such certificate shall be utterly void: And provided further, that no minister of the Church of Scotland shall be obliged to celebrate a marriage not preceded by due proclamation of banns.

Penalties for celebrating marriages without certificates.

12. Any person otherwise entitled to celebrate a marriage who shall celebrate a marriage in Scotland with a religious ceremony without having produced or exhibited to him a certificate or certificates of the due proclamation of banns or a registrar's certificate or registrars' certificates applicable to both parties, or a certificate of due proclamation of banns in the case of one of the parties and a registrar's certificate in the case of the other, shall be guilty of an offence under this Act, and shall on conviction thereof be liable to a penalty not exceeding fifty pounds.

Offences under this section may be prosecuted before the sheriff or sheriff substitute under the provisions of the Summary Procedure Act, 1864, but only at the instance of the procurator fiscal.

Issuing of a certificate otherwise than in terms of this Act to be an offence.

13. A registrar who shall wilfully grant a registrar's certificate to any person, without complying with all the requirements of this Act in regard to the conditions on which and the time when the same may be granted, shall be guilty of an offence under this Act, and shall on conviction be liable to a fine not exceeding twenty-five pounds or to be imprisoned for a period not exceeding one month, and to be deprived of his office.

Offences under this section may be prosecuted before the sheriff or sheriff substitute under the provisions of the Summary Procedure Act, 1864, at the instance of the procurator fiscal of the county.

False declarations, &c. under this Act to be punished as perjury.

14. Every person who shall wilfully make or sign any false declaration, or sign or give any false notice of an intended marriage, or who shall wilfully state any false objection to a marriage, or wilfully make any false declaration relative to an objection to a marriage under the provisions of this Act, shall be deemed in law to be guilty of the crime of perjury, and shall on conviction suffer the penalties attached by law to the crime of perjury.

Registrars to be provided with books, &c.

15. The Registrar General shall, on or before the commencement of this Act, and thereafter from time to time as may be necessary, furnish or cause to be furnished to every registrar of a parish or district in Scotland,—(1) a book to be called "The Marriage Notice Book," prepared in such form as the Registrar General, having regard to the form of notice prescribed by this Act, shall see fit; and (2) such a number as he shall think sufficient and necessary of forms of notice and of public notice of intended marriages, and of certificates and of all other forms necessary to be supplied to the registrars for the purposes of this Act, printed on paper of such shape, size, and quality as the Registrar General shall think most convenient for the purposes of this Act and the service of his department, and the expenses of providing and printing the same shall be defrayed in the manner provided in the Act of the seventeenth and eighteenth years of Her present Majesty, chapter eighty, intituled "An Act to provide for the better Registration of Births, Deaths, and "Marriages in Scotland."

The Registrar General may, with the approval of one of Her Majesty's Principal Secretaries of State, from time to time prescribe rules for the discharge of their duties by registrars under this Act, and as to the hours during which they shall be bound to give attendance for the purposes of this Act, and a copy of all such rules shall be laid before both Houses of Parliament within six weeks after the same are approved of, or if

Parliament be not then sitting, within one month of the beginning of the next session of Parliament.

Persons unable to write may sign by a mark.

16. Any person unable to write may duly subscribe any notice, declaration, or other writ under this Act, by adhibiting thereto a cross or other mark in the presence of the registrar, or two witnesses, provided the registrar or witnesses shall duly subscribe a declaration relative to such cross or mark as having been so adhibited by such person in their presence.

The schedules to be part of the Act.

17. The schedules to this Act, and all directions therein contained or specified, or thereto appended, shall be of the same force and effect as if the same were enacted in the body of this Act.

As to alteration of regulations for proclamation of banns.

18. Nothing contained in any statute, law, or custom shall prevent the Church of Scotland as by law established from altering the existing regulations as to proclamation of banns of marriage, and in particular from shortening to any period not less than fifteen clear days the period of residence required in order to such proclamation.

Sections 7, 17.

SCHEDULE A.

FORM No. 1 [*applicable to the case of notices by parties residing in different parishes or districts or giving separate notices*].

NOTICE OF MARRIAGE.—(*Pursuant to the Marriage Notice (Scotland) Act*, 1878.)

To the Registrar of the parish (*or* district) of in the county of .

I [*here insert the name of the person giving notice*] give you notice that I and the other person herein named are about to contract marriage; (that is to say,)

Name and Surname.	Condition.†	Rank or Profession.	Age.	Dwelling Place.	Parish [*or* District] and County in which Parties respectively dwell.

And I solemnly declare that I believe there is no impediment of consanguinity or affinity or of age or other lawful hindrance to the said marriage, and that I have had my usual place of abode and residence for the space of fifteen days immediately preceding the date of this notice within the above-mentioned parish (*or* district) of

And this I declare, knowing that if the declaration is false I expose myself to the penalties of perjury.

In witness whereof I have hereunto set and subscribed my hand, this day of 18 [*Signature.*]

Subscribed and declared by the above-named in the presence of us, the undersigned householders in the above-mentioned parish (*or* district), who declare that we believe the statements contained in this notice to be true.

A.B. [*name and designation*] Witness.
C.D. [*name and designation*] Witness.

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† State whether the person is a bachelor or spinster, widower or widow.

N.B.—The Schedule must set forth all the particulars indicated in regard, first, to the person giving the notice, and, second, to the person with whom the person giving the notice intends to contract marriage.

FORM NO. 2 [*applicable to the case of parties residing in the same parish or district and giving a single notice*].

NOTICE of MARRIAGE.—(*Pursuant to the Marriage Notice (Scotland) Act*, 1878.)

To the Registrar of the parish (*or* district) of in the county of .

We [*here insert the names of the persons giving notice*] give you notice that we the persons herein named are about to contract marriage; (that is to say,)

Name and Surname.	Condition.†	Rank or Profession.	Age.	Dwelling Place.	Parish [*or* District] and County in which Parties dwell.

And we solemnly declare that we believe there is no impediment of consanguinity or affinity or of age or other lawful hindrance to the said marriage, and that we have had our usual place of abode and residence for the space of fifteen days immediately preceding the date of this notice within the above-mentioned parish (*or* district) of .

And this we declare, knowing that if the declaration is false we expose ourselves to the penalties of perjury. In witness whereof we have hereunto set and subscribed our hands, this day of 18 [*Signatures.*]

Subscribed and declared by the above-named in the presence of us the undersigned householders in the above-mentioned parish (*or* district), who declare that we believe the statements contained in this notice to be true.

A.B. [*name and designation*] Witness.
C.D. [*name and designation*] Witness.

† State whether the person is a bachelor or spinster, widower or widow.

SCHEDULE B.

Sections 8, 17.

PUBLIC NOTICE.

(*Pursuant to the Marriage Notice (Scotland) Act*, 1878.)

NOTICE has this day been received at this office of marriage as intended to be contracted between the following persons; that is to say,

Between I.	*A.B.* [*here give name and surname, condition, rank, or profession, and place of residence of intending husband*], and *C.D.* [*here give name and surname, condition, rank, or profession, and place of residence of intending wife*].
and	
Between II.	*E.F.* [*here insert same particulars as above*], and *G.H.* [*here insert same particulars as above*].*

All objections to certificates being granted authorising the celebration of these marriages, or any of them, [*or* of this marriage, *when there is only one notice,*] must be lodged with the registrar in writing within seven days from this date by the objector, who must appear personally to declare to the truth thereof.

(Signed) *M.N.*, Registrar.

[*Date of Notice.*]

* One public notice in this form may be made to include all the notices of marriage received at the office in the same day.

Sections 9, 17.

SCHEDULE C.

Registrar's Certificate.

(*Pursuant to the Marriage Notice (Scotland) Act*, 1878.)

Form No. 1 [*applicable to the case of the parties residing in different parishes or districts*].

I [*M.N.*] Registrar of hereby certify that on the day of 18 *A.B.* [*here give name, surname, condition, rank, or profession, and place of residence of A.B.*,] duly gave notice to me of his [*or* her] intended marriage to *C.D.* [*give name, surname, condition, &c., of C.D.*], that all the requirements of law in respect of such notice, so far as the said *A.B.* is concerned, have been complied with, and no objection stated [*or*, written statement of objections lodged with me, *as the case may be*].

Certified by me the said *M.N.*, this day of

(Signed) *M.N.*, Registrar.

Form No. 2 [*applicable to the case of the parties residing in the same parish or district*].

I [*M.N.*] Registrar of hereby certify that on the day of 18 *A.B.* [*here give name, surname, condition, rank, or profession, and place of residence of A.B.*,] and on the day of 18 , *C.D.* [*here give name, surname, condition, rank, or profession, and place of residence of C.D.*] duly gave notice to me of their intention to contract marriage with each other, and that all the requirements of law in respect of such notices have been complied with, and no objections stated [*or*, written objections lodged with me, *as the case may be*].

Certified by me the said *M.N.*, this day of

(Signed) *M.N.*, Registrar.

Sections 10, 17.

SCHEDULE D.

I hereby solemnly declare that the facts as stated by me in the written statement of objections to the marriage intended between *A.B.* and *C.D.*, on which this declaration is indorsed, are true to the best of my knowledge and belief, and I make this declaration knowing that if the declaration is false I expose myself to the penalties of perjury.

(Signed by) *P.Q.*, Objector.

I certify that this declaration was made before me and subscribed in my presence this day of 18 in my office.

M.N., Registrar.

CHAPTER 44.

An Act to make provision for the foundation of a Dean and Chapter for the Bishopric of Truro, and for the transfer to the Cathedral Church of Truro of one of the Canonries in the Cathedral Church of Exeter; and for other purposes connected therewith. [8th August 1878.]

39 & 40 Vict. c. 54.

WHEREAS by the Bishopric of Truro Act, 1876, the Truro Bishopric Endowment Fund is to be held by the Ecclesiastical Commissioners for England (in this Act referred to as the Ecclesiastical Commissioners) upon trust to provide the income therein mentioned and a residence for the Bishop of Truro, and subject thereto for the foundation of a dean and chapter for the bishopric, in such manner as may be from time to time provided by Order in Council:

And whereas it is expedient to make further provision with reference thereto, and to transfer to the cathedral church of Truro, for the endowment of the chapter thereof, one of the canonries in the cathedral church of Exeter: