

CHAPTER 96.**MOHAMMEDAN MARRIAGE.****ARRANGEMENT OF SECTIONS.****SECTION.**

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CHAPTER 96.**MOHAMMEDAN MARRIAGE.**

20 of 1905.
2 of 1908.
30 of 1927.

An Ordinance to Define the Law Relating to Mohammedan Marriages in the Colony of Sierra Leone and to Provide Facilities for giving proof of such Marriages.

[3RD AUGUST, 1905.]

Short title.

1. This Ordinance may be cited as the Mohammedan Marriage Ordinance.

Mohammedan marriages valid.

2. Every marriage entered into and subsisting between persons professing the Mohammedan faith and domiciled in the Colony or Protectorate which is valid according to Mohammedan law (hereinafter called a Mohammedan marriage) shall be valid for all civil purposes.

Reception by Courts of proof of Mohammedan marriage.

3. Proof according to Mohammedan law of the existence, past or present, of a Mohammedan marriage, or of the dissolution of a Mohammedan marriage, shall be received in evidence by all the Courts in the Colony and by any person having, by law or consent of parties, authority to hear and examine witnesses.

4. This Ordinance shall apply to Mohammedan marriages entered into before as well as after the date when it comes into operation:

Application of Ordinance to existing marriages.

Provided always that nothing in this Ordinance contained shall be deemed to affect any rights, title, obligation, or liability already vested, acquired, accrued, or incurred, or any remedy or proceedings in respect thereof.

5. Mohammedan marriages and final divorces may be registered, and for this purpose it shall be lawful for the Governor to appoint persons to be Registrars for any district or place as he from time to time shall think fit. Such Registrars shall be selected from among the Mohammedan community of such district or place.

Registration of marriages and divorces.

6. (1) The Registrar when requested so to do shall enter in a book a record in English and Arabic of any Mohammedan marriage or final divorce, if satisfied that such marriage or final divorce is in accordance with Mohammedan law and that all requisite formalities according to Mohammedan law have been complied with.

Duties of Registrars.

(2) The Registrar shall send a certified copy in English and Arabic within one week of the making thereof to the Registrar General, who shall file the same in his office.

(3) A certified copy in English of any entry which has been filed as aforesaid shall be received by all the Courts of the Colony, and by any person having authority by law or consent of parties to hear or examine witnesses, as *prima facie* evidence that the marriage is a Mohammedan marriage.

(4) The Registrar General may at any time call upon a Registrar to produce his books for inspection.

7. The Governor may, by notice in the *Gazette*, from time to time fix the fees to be paid for registration and certified copies of entries in the registers, and the fees to be allowed to the Registrars and to a Tribal Authority for performing any duty under this Ordinance.

Governor to fix fees.

8. All Registrars appointed and all the registration carried out by virtue of this Ordinance shall be subject to the law in force in the Colony relating to Registrars and registration, so far as the same is applicable and not inconsistent with any provision of this Ordinance.

Registration subject to general registration law.

Devolution of
property in
case of
intestacy.

9. (1) If any party to a Mohammedan marriage and being at the date of his death a Mohammedan, or if any person being unmarried and being at such date a Mohammedan, shall die intestate, the estate real and personal of such intestate shall be distributed in accordance with Mohammedan law.

(2) The following persons shall be entitled to take out letters of administration in the order named, viz.—

(a) The eldest son of the intestate, if of full age according to Mohammedan law;

(b) The eldest brother of the intestate, if of full age according to Mohammedan law;

(c) The official Administrator:

Provided always, that a creditor, not being a Mohammedan, may apply to the Court for letters of administration and, notwithstanding that letters of administration have already been granted to another person, the application of such creditor shall be granted, and the letters of administration already granted shall be cancelled, unless the previous grantee shall pay the debt, or prove to the satisfaction of the Court that nothing is owing from the estate of the intestate to the applicant.

(3) Save as regards distribution or any other matter expressly provided for in this section, the estates of the intestates to which this section applies shall be administered in accordance with the law of the Colony.

Official Ad-
ministrator
to consult
Tribal
Authority.

10. In the event of there being at the time a Tribal Authority of a race which is Mohammedan, the Official Administrator shall, in the absence of any direction given by the Chief Justice to the contrary, consult such authority as to what is the Mohammedan law as to distribution of an intestate's estate.

Governor
may make
orders.

11. The Governor may by order from time to time make provision for the better carrying out of the provisions of this Ordinance.
