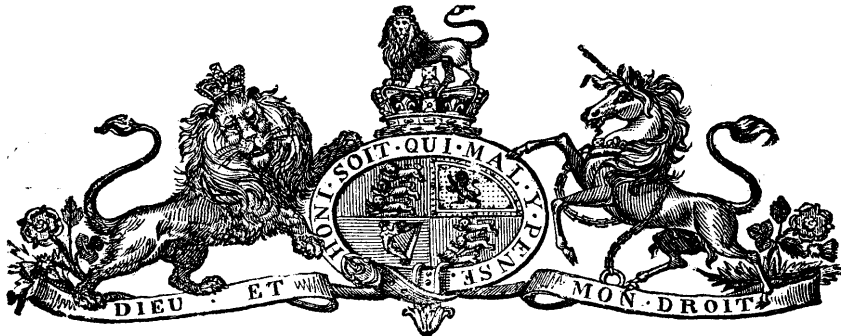


NEW ZEALAND.



ANNO VICESIMO PRIMO ET VICESIMO SECUNDO

VICTORIÆ REGINÆ.

No. 29.

ANALYSIS:

- | | |
|--|--|
| <p>Title.
Preamble.</p> <ol style="list-style-type: none">1. Certain sections of "The Marriage Act, 1854," and "The Marriage Act Amendment Act, 1856," repealed.2. Districts to be proclaimed.3. Registrar-General and Registrars to be appointed.4. Governor may appoint Deputy Registrars.5. When Deputy to act.6. Immediate Certificates for Marriage, when to be issued.7. Provision in other cases.8. Fees or Marriage Certificates.9. In certain cases Judge of Supreme Court may consent to the Marriage of Minors. | <ol style="list-style-type: none">10. Marriages not to be invalid for certain reasons.11. Marriages to be registered.12. Registration of Marriages under certain circumstances.13. Copies of Marriage Registers to be forwarded to Registrar-General quarterly.14. Marriages <i>bonâ fide</i> intended to be solemnized under the "Marriage Act, 1854," to be valid.15. Evidence of the right of Officiating Ministers to act.16. This Act to be deemed part of "The Marriage Act, 1854."17. Short Title.
Schedule C. |
|--|--|

AN ACT to repeal certain Sections of the Title.
"Marriage Act, 1854," and to repeal
the "Marriage Act Amendment Act,
1856," and to make other provisions
in lieu thereof. [8th July, 1858.]

WHEREAS it is expedient to make provision for the future Preamble.
prevention of inconveniences and difficulties which have been
found to attend the operation of certain parts of "The Marriage
Act, 1854," and also to provide against questions being raised

Marriage Act Amendment.

touching the legal validity of Marriages solemnized in fact under the said Act, but without due and complete observance of all the requirements thereof:

BE IT ENACTED by the General Assembly of New Zealand in Parliament Assembled, and by the authority of the same, as follows:—

Certain sections of "The Marriage Act, 1854," and "The Marriage Act Amendment Act, 1856," repealed.

Districts to be proclaimed.

I. Sections 2, 3, 10, 17, 25, 27, and 29, and Schedule C of "The Marriage Act, 1854," and the whole of "The Marriage Act Amendment Act, 1856," are hereby repealed.

II. It shall be lawful for the Governor, at any time, by Proclamation in the *New Zealand Gazette*, to divide the Colony of New Zealand, for the purposes of this Act, into such and so many Districts as he shall think fit, and every such District shall be called by a distinct name, and shall be a Registrar's District: Provided always that the Governor may, at any time, revoke the whole or any part of such Proclamation, and issue a new Proclamation dividing the Colony, or any portion of it, anew, into Districts, or increasing the number or altering the boundaries of Districts, as from time to time he may think requisite: Provided always that the Districts already proclaimed under "The Marriage Act, 1854," shall be deemed to be Districts constituted under this Act.

Registrar-General and Registrars to be appointed.

III. It shall be lawful for the Governor, by warrant under his hand, from time to time, to appoint a fit person to be Registrar-General, and also fit persons to be Registrars of Marriages, who shall hold office during the Governor's pleasure: Provided always that the Registrar-General and Registrars of Districts now acting, shall be deemed to have been appointed under this Act.

Governor may appoint Deputy Registrars.

IV. It shall be lawful for the Governor at any time to appoint a fit person to be Deputy of any Registrar, to act in case of death, illness, or unavoidable absence, and every Deputy shall, during the time he shall so act, have all the powers and privileges, and perform all the duties, and be subject to all the responsibilities, of the Registrar for whom he shall have been appointed Deputy.

When Deputy to act.

V. Whenever any Registrar shall die, the Deputy appointed as aforesaid shall act as Registrar from the day of such death, and in case of illness or absence shall act as such from such day as such Registrar (or in case of illness incapacitating him so to do, his medical attendant) shall certify under his hand to the Deputy appointed as aforesaid to act for him that he is ill and unable to perform his duties, or that he is about to be absent; and such Deputy shall cease to act as such from the day on which he shall receive from the Registrar whose deputy he is, a certificate under his hand, to the effect that such Registrar has resumed his duties. No Registrar shall have power to act during such term as his Deputy is lawfully acting.

Marriage Act Amendment.

VI. It shall be lawful for the Registrar to whom notice shall have been given under the 6th Section of "The Marriage Act, 1854," immediately upon receipt of such notice, and upon the making of the Declaration required by the 12th Section of the said Act by one of the persons intending Marriage, to issue a Certificate in the Form Schedule B. to the said Act annexed, in the cases following,—that is to say: First, when it shall appear from the Notice and Declaration that both the persons intending Marriage are of full age, or if a person be under age that such person is a widow or widower;—Secondly, when the person being under age and not a widow or widower, the consent in writing of the parent or guardian required to the Marriage of such Minor (if there be any parent or guardian of such Minor within the Colony) shall appear upon the notice or be delivered to the Registrar in a separate writing; which consent shall be signed by the parent or guardian either before the Registrar at his office, or before a Justice of the Peace, or a Solicitor of the Supreme Court, or an Officiating Minister within the meaning of this Act; and be attested by such Registrar, Justice, Solicitor, or Officiating Minister.

Immediate Certificates for Marriage, may be issued in certain cases.

VII. When the consent is not given in the manner aforesaid, or when a Declaration shall not be made in the presence of the Registrar, by one of the persons intending Marriage, that, to the best of Declarant's knowledge and belief, there is no person within the Colony having authority by Law to give consent to the Marriage, the Registrar shall not issue a Certificate for Marriage in any case in which one of the parties is a Minor, until the expiration of fourteen days after the receipt by him of the notice.

Provision in other cases.

VIII. For every Certificate issued immediately, there shall be paid to the Registrar a Fee of Twenty Shillings; and for every Certificate not issued until the expiration of fourteen days, a Fee of Five Shillings.

Fees on Marriage Certificates.

IX. In case any father, or mother, or guardian, whose consent is made necessary by "The Marriage Act, 1854," to the Marriage of a person under age, shall be *non compos mentis*, or in case any such guardian shall unreasonably, or from undue motives, refuse or withhold his consent to a proper Marriage, then it shall be lawful for any person desirous of marrying in any of the above mentioned cases, to apply by petition to a Judge of the Supreme Court, and in case the Marriage proposed shall, upon examination, in a summary way, appear to be proper, such Judge shall judicially declare the same to be so, and such judicial declaration shall be deemed and taken to be as good and effectual, to all intents and purposes, as if the father, or mother, or guardian, of the persons so petitioning, had consented to such Marriage.

In certain cases Judge of Supreme Court may consent to the Marriage of Minors.

X. It shall not be necessary in support of any Marriage solemnized under this Act, and "The Marriage Act, 1854," to give any proof of the actual dwelling of either of the persons

Marriages not to be invalid for certain reasons.

Marriage Act Amendment.

so married, previous to the Marriage, within the District wherein such Marriage was solemnized, for the time required, or of the consent of any person whose consent thereunto is required by Law, nor shall any evidence be given to prove the contrary in any suit touching the validity of such Marriage; neither shall any Marriage be deemed to have been unduly solemnized by reason of any mere error or defect in the Notice, Declaration, or Certificate, required before solemnization, or in the registration of the Marriage when solemnized, when the identity of the parties is not questioned, nor on account of any other infringement of the provisions of "The Marriage Act, 1854," or of this Act, except as provided in the thirtieth Section of the said "Marriage Act, 1854": Provided always that nothing herein contained shall exempt any Officiating Minister or Registrar who shall do anything contrary to the provisions of this Act from any penalty to which he would have been liable for such offence but for this Section.

Marriages to be registered.

XI. Every Officiating Minister, and every Registrar, immediately after a Marriage solemnized by him, or which may have taken place in his presence, shall register, in a book to be kept for that purpose, the several particulars relating to such Marriage, according to the form in Schedule C to this Act annexed; and every such Register shall be signed by such Officiating Minister or Registrar, as the case may be, present at such Marriage, and by the persons married, and by two witnesses, and every entry shall be made, from page to page, in order, from the beginning to the end of such book: Provided always that it shall be lawful to use the form prescribed by the Schedule C of "The Marriage Act, 1854," but it shall be only necessary to make the entries in the columns corresponding with the columns of Schedule C to this Act annexed: Provided also that in the column headed "Age" it shall be lawful to enter either "Full Age" or "Minor," as the case may be.

Registration of Marriages under certain circumstances.

XII. If any Officiating Minister shall be called upon to solemnize a Marriage at a place distant from that at which his Register Book is usually kept, it shall be lawful for him to enter such Marriage in a blank form instead of in the Register Book; and every such form shall be signed at the time of the solemnization of the Marriage by such Officiating Minister, by the persons married, and by the witnesses; and, on his return to the place at which his Register Book is kept, such Officiating Minister shall forthwith copy such entry, accurately, and in full, into the said Register Book, with a note certifying under his hand that he has made a true copy of the original record, and such original record shall be carefully preserved by him for production if required.

Copies of Marriage Register to be forwarded to Registrar-General quarterly.

XIII. The Marriage Register Books shall be safely kept by the Officiating Ministers and Registrars respectively; and every Officiating Minister or Registrar, as the case may be, before whom any Marriage has been solemnized, or has taken place, shall, in the months of July, October, January, and April,

Marriage Act Amendment.

respectively, make and transmit to the Registrar-General, or other Officer to be appointed by the Governor in that behalf, a true copy, certified by such Officiating Minister or Registrar under his hand, of all the entries of Marriages in the Register Books kept by him since the last Return, and, if there shall be no Marriage entered therein since the last Return, he shall certify the fact under his hand; and every Officiating Minister or Registrar who shall refuse or neglect to make and transmit such Return or Certificate within the several times herein specified, shall be liable for every such offence to forfeit a sum not exceeding ten pounds, to be recovered in a summary way: Provided always that when a Register Book of Marriages is kept at any Church, Chapel, or Place at which different Officiating Ministers occasionally solemnize Marriages, it shall be sufficient that the Officiating Minister in whose charge such Book is usually kept, shall transmit to the Registrar-General, quarterly, copies of all entries made in the Book, such copies being certified under his hand to be correct; and he is required hereby, under the aforesaid penalties, to transmit such copies, at the times and in the manner provided herein.

XIV. Every Marriage heretofore solemnized which was intended to be *bonâ fide* solemnized under the "Marriage Act, 1854," shall be deemed and taken to be and to have been from the date of such solemnization, a good and valid Marriage, notwithstanding that all the requirements of the said Act shall not have been complied with: Provided always that nothing herein contained shall legalize any Marriage in respect to which a lawful impediment existed at the time of such Marriage, nor any Marriage when (the same having been at the time of its solemnization invalid) either of the parties thereto shall afterwards, and before the passing of this Act, have intermarried with some other person: Provided also that nothing herein contained shall exempt any person who may have offended against the provisions of "The Marriage Act, 1854," from any penalty or punishment which he may have incurred by any breach of the requirements of the said Act.

Marriages *bonâ fide* intended to be solemnized under "The Marriage Act, 1854" to be valid.

XV. The entry of the name of any Officiating Minister heretofore made or hereafter to be made in the Book called the "List of Officiating Ministers" and the publication in the *New Zealand Gazette* of the name of such Minister in pursuance of the provisions of the said "Marriage Act, 1854," shall be deemed and taken to be conclusive evidence of the right of such Officiating Minister to act as such from the date of the Certificate sent in to the Registrar-General in respect of such Officiating Minister, upon which such entry and publication have been or shall be made.

Evidence of the right of Officiating Ministers to act.

XVI. This Act shall be deemed and taken to be part of "The Marriage Act, 1854," and shall be construed accordingly.

This Act to be deemed part of "Marriage Act, 1854."

XVII. The Short Title of this Act shall be "The Marriage Act Amendment Act, 1858."

Short Title.

Marriage Act Amendment.

Schedule C.

SCHEDULE C.

1855. *Marriages in the District of (Auckland.)*

No.	When Married, and Where.	Names and Surnames.	Age.	Rank or Profession.	Condition.	Name of Officiating Minister (or Registrar.)	When Registered.
5	4th February, 1855, St. Paul's Church, Auckland.	John Cox. Mary Thompson.	Full. Minor.	Clerk. Dress-maker.	Bachelor. Spinster.	A.B., Officiating Minister (or Registrar.)	4th Feb., 1855.

Married, after the delivery to me of the Certificate required by the Act of the General Assembly of New Zealand, intituled "The Marriage Act, 1854," by

A. B., (Officiating Minister) or (Registrar.)

This Marriage was solemnized between us,

John Cox, { In the presence } John Hastings, (Place of abode,) (Calling)
Mary Thompson, { of us, } Geoffrey Mitchel, (Place of abode,) (Calling.)