

THE MARRIAGE ACT, 1880.

THIS Bill consolidates the Acts—1854, No. 12 ; 1858, No. 29 ; 1868, No., 22 ; 1875, No. 22 ; and 1876, No. 27.

The fees payable under the above Acts are, for the sake of convenience, collected together in a Schedule of the Bill.

The italic matter in clause 12 of the Bill is to render more specific the date of the expiration of certificates than is expressed in section 42 of the Act, 1854, No. 12.

The italic matter in clause 33 of the Bill is to avoid ambiguity of language which appears in the Act of 1854 No. 12, from the use of the words "in the presence of," whereby, as it would appear in section 40 of that Act, a minister, though not officiating, becomes in certain cases liable to a penalty if present at a marriage.

ALEXANDER J. JOHNSTON,  
W. S. REID,  
*Commissioners.*

Wellington, 27th May, 1880.

This Public Bill originated in the LEGISLATIVE COUNCIL, and having this day passed as now printed, is transmitted to the HOUSE OF REPRESENTATIVES for its concurrence.

Legislative Council,  
30th June, 1880.

[Statutes Revision Commission.]  
MARRIAGE.

ANALYSIS.

- Title.
- 1. Short Title. Existing appointments continued.
- 2. Act not to extend to marriages of Natives.
- DISTRICTS, REGISTRARS, ETC.
- 3. Districts to be proclaimed.
- 4. Registrar-General and Registrars to be appointed, and Deputy Registrars.
- 5. Duties of Deputy Registrars.
- 6. When Deputy to act.
- 7. Registrar's power to levy fees.
- 8. Registrar-General may make regulations.
- OFFICIATING MINISTERS.
- 9. Ministers of prevailing religious bodies to be certified by ecclesiastical authorities. In certain cases certificates may be given by office-bearers.
- 10. Ministers of other denominations.
- 11. Correct lists to be sent in every year.
- 12. Lists to be in force for one year only.
- 13. Ecclesiastical authorities to send in names of ministers, and certify suspension or deprivation of any ministers.
- 14. List of ministers to be gazetted. Addition of names.
- 15. Cancellation of names.
- 16. Evidence of the right of Officiating Ministers to act.
- NOTICES.
- 17. Notice of every intended marriage to be given.
- 18. To be entered in a book open for inspection.
- CONSENTS, CAVEATS, ETC.
- 19. Consent necessary for marriage of minors.
- 20. In certain cases Judge of Supreme Court may consent to the marriage of minors.
- 21. Issue of certificates may be forbidden.
- 22. Caveat may be entered. Effect of caveat. Appeal on refusal.
- 23. If caveat vexatious.
- CERTIFICATES.
- 24. Declaration to be made before certificate granted. Provision in cases of minors.
- 25. No certificate to issue if any impediment.
- 26. Immediate certificates for marriage may be issued in certain cases.
- 27. Cases where issue of certificate to be deferred.
- 28. Certificate to authorize, but not oblige, Officiating Ministers.
- 29. Notice, certificate, &c., good for three months only.
- 30. Registrars to make quarterly returns.
- SOLEMNIZATION OF MARRIAGES.
- 31. Certificate to be delivered to Officiating Minister.
- 32. Place and time for marriages to be solemnized.
- 33. Marriages may be solemnized at the office of Registrar.
- REGISTRATION OF MARRIAGES.
- 34. Particulars to be registered may be inquired.
- 35. Marriages to be registered. Signature to register.
- 36. Registration of marriages under certain circumstances.
- 37. Penalty.
- 38. Copies of register to be forwarded to Registrar-General. Penalty.
- 39. Registrar-General to keep indexes. Searches, extracts, &c.
- VALID AND INVALID MARRIAGES.
- 40. Marriages not to be invalid for certain reasons. Inadmissible evidence. No release from penalties.
- 41. Marriages unduly solemnized knowingly to be void.
- 42. Forfeiture of property acquired on marriage of minors without consent. Order of Court. Where both parties offend.
- 43. All settlements, &c., on any such marriage void.
- 44. Proceedings to be within one year.
- 45. Like forfeiture for marriage under false notice.
- OFFENCES.
- 46. Making false declaration a misdemeanour.
- 47. False representation a misdemeanour.
- 48. Solemnizing marriage otherwise than according to this Act a misdemeanour.
- 49. Solemnizing marriage falsely pretending to be an Officiating Minister a felony.
- 50. Registrar acting illegally in certain cases to be guilty of felony.
- 51. Penalty for solemnizing marriage of minors without consent.
- 52. Making false statements, misdemeanour.
- 53. Limitation of prosecutions.
- REPEALS.
- 54. Repeal of Acts. Schedules.

AN ACT to consolidate the Law of Marriage in New Zealand.

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

1. The Short Title of this Act is "The Marriage Act, 1880."

All districts, regulations, offices, and appointments subsisting at the commencement of this Act shall be deemed to have been constituted or made under this Act.

2. Nothing herein contained shall apply to any marriage which may be contracted otherwise than according to the provisions of this Act between two persons both of the native aboriginal race.

Provided that this Act shall come into operation in respect of marriages  
No. 27—2.

Title.

Short Title.  
Existing appointments continued.

Act not to extend to marriages of Natives.  
1854, No. 12, sec. 4

between persons of the said race in such districts and at such times as the Governor shall by Proclamation from time to time appoint.

Provided also that persons of the aboriginal native race may, if they desire, contract marriage according to the provisions of this Act.

DISTRICTS, REGISTRARS, ETC.

Districts to be proclaimed.  
1858, No. 29, sec. 2.

3. The Governor, by Proclamation in the *Gazette*, may divide the Colony of New Zealand for the purposes of this Act into such and so many districts as he shall think fit, and assign a distinct name to every such district; and may, from time to time, in a similar manner, vary the number, name, and boundaries of such districts, or abolish any of the same.

Registrar-General and Registrars to be appointed, and Deputy Registrars.  
Ib., sec. 4.

4. The Governor may, by warrant under his hand, appoint a Registrar-General for the colony; and also

The Governor may from time to time appoint Registrars of Marriages, and also may at any time appoint a fit person to be the deputy of the Registrar-General, or of any Registrar, to act as Registrar-General or Registrar, as the case may be, in case of death, illness, or unavoidable absence.

Duties of Deputy Registrars.  
Ib., sec. 4.

5. 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-General or Registrar for whom he shall have been appointed deputy;

Except that the Deputy of the Registrar-General shall not have the power given by the *eighth* section of this Act of making, abolishing, or altering such regulations as are therein mentioned.

When Deputy to act.  
Ib., sec. 5.

6. Whenever the Registrar-General or any Registrar shall die, the Deputy appointed as aforesaid shall act from the day of such death until a new appointment has been made to the office vacated thereby; and, in case of illness or absence, shall act from such day as such Registrar-General or Registrar, as the case may be (or, in case of illness incapacitating him to do so, 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 from the day on which he shall receive from the officer whose Deputy he is a certificate under his hand to the effect that such officer has resumed his duties.

No Registrar shall have power to act during such term as his Deputy is lawfully acting.

Registrar's power to levy fees.  
1854, No. 12, sec. 4.

7. The Registrar-General and every Registrar duly appointed are hereby respectively empowered to receive and take the several fees specified in the Schedule A to this Act; and all fees so received shall be accounted for by them to the Colonial Treasurer at such times and in such manner as he shall from time to time direct.

Any Registrar, or any other person required by this Act to do any act for which a fee is demandable, may refuse to do such act until such fee is first paid.

Registrar-General may make regulations.  
1875, No. 22, sec. 8.

8. It shall be lawful for the Registrar-General from time to time to make, amend, alter, and revoke regulations (not being repugnant to the provisions of any Act lawfully in force for regulating marriages in the colony) for the general management of the registry offices, and the preparation and transmission of all returns required from Registrars and Officiating Ministers respectively, and for the more effectually carrying out the provisions of any or all Marriage Acts in force in the colony; and such regulations, after being approved by the Governor, shall be obeyed accordingly.

OFFICIATING MINISTERS.

Ministers of prevailing religious bodies

9. Any minister of religion whose name shall have been sent in to the Registrar-General by the persons or person within the colony in whom eccle-

208

siastical authority shall for the time being be vested, or reputed to be vested, over any of the religious bodies enumerated in the Schedule B to this Act shall, subject to the conditions hereinafter mentioned, be an Officiating Minister within the meaning of this Act.

to be certified by ecclesiastical authorities.  
1854, No. 12, sec. 42.

The name of every minister of religion shall be certified under the hand or hands of the person or persons aforesaid, and shall be entered and published as hereinafter provided.

In default of any person having ecclesiastical authority as aforesaid, the name of such minister may be certified under the hands of two duly-recognized office-bearers in the religious body in respect of which such certificate is granted.

In certain cases certificates may be given by office-bearers.

10. Any minister of religion not connected with any of the bodies enumerated in the aforesaid Schedule B, who shall furnish to the Registrar-General a certificate, signed by twenty-four householders, declaring that such minister is their officiating minister, shall be entitled to have his name inserted in the list of Officiating Ministers within the meaning of this Act.

Ministers of other denominations.  
1854, No. 12, sec. 42.

The signatures to any such certificate shall be attested by some person, who shall verify the signatures to the certificate as the genuine signatures of the persons whose they purport to be, by a solemn declaration made under "The Justices of the Peace Act, 1866," signed by such person, and appended to such certificate.

11. The several ecclesiastical authorities as aforesaid of the respective religious bodies shall send in to the Registrar-General, in the month of December in every year, a correct list of their officiating ministers.

Correct lists to be sent in every year.  
Ib., sec. 44.

Every certificate under the hands of any office-bearers or householders respectively, as aforesaid, shall be sent in to the Registrar-General anew in the month of December in every year.

12. Every list of Officiating Ministers, and certificate under the hands of office-bearers or householders, shall continue in force *from the day on which the same is sent to the Registrar-General until the gazetting of the official list of ministers after the succeeding December, and no longer.*

Lists to be in force for one year only.  
Ib., sec. 42.

13. The person having ecclesiastical authority over the several religious bodies as aforesaid shall, upon the suspension or deprivation of any minister whose name shall have been sent in to the Registrar-General in manner hereinbefore mentioned, forthwith certify such suspension or deprivation to the Registrar-General, who shall forthwith make a minute of such suspension or deprivation in the list of Officiating Ministers hereinafter mentioned, and no such person shall be deemed an Officiating Minister until his name shall have been again sent in to the Registrar-General in manner hereinbefore mentioned.

Ecclesiastical authorities to send in names of ministers, and certify suspension or deprivation of any ministers.  
Ib., sec. 43.

14. The Registrar-General shall file all such certificates and lists, and keep them with the records of his office; and shall also forthwith enter the names sent to him, as hereinbefore mentioned, in a book to be kept by him for the purpose, and called the "List of Officiating Ministers," and shall from time to time alter and correct the said list as occasion shall require, and shall, in the month of January in every year, cause a copy of such list to be gazetted.

List of ministers to be gazetted.  
Ib., sec. 45.

In case of any additional names of ministers being sent in to him during any part of the year in the manner aforesaid, the Registrar-General shall cause such names to be entered upon the aforesaid list and gazetted, and the persons so gazetted shall be deemed Officiating Ministers for the purposes of this Act.

Addition of names.  
Ib.

15. In case of notice being sent to the Registrar-General of the suspension or deprivation of any minister whose name may have been entered upon the list of Officiating Ministers, the Registrar-General shall thereupon erase such name from

Cancellation of names.  
Ib.

the aforesaid list, and cause a notification to be gazetted that the name of such minister is withdrawn from the list of Officiating Ministers, and such person shall from the date of such publication cease to be an Officiating Minister within the meaning of this Act.

Evidence of the right of Officiating Ministers to act. 1858, No. 29, sec. 15.

16. 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 gazetting of the name of such minister, 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 of the persons or person having ecclesiastical authority, or of the office-bearers, or of the householders aforesaid respectively, as the case may be, sent in to the Registrar-General in respect of such Officiating Minister upon which such entry and publication have been or shall be made.

#### NOTICES.

Notice of every intended marriage to be given. 1854, No. 12, sec. 6.

17. In every case of marriage intended to be solemnized in New Zealand, one of the persons intending marriage shall, under his or her hand, give notice, in the form in the Schedule C to this Act, to the Registrar of the district within which one of the persons shall have dwelt for not less than three days, and shall therein truly state the age, name, and surname, and the calling or profession and condition, of each of the persons intending marriage, the dwelling-place of each of them, and the time that each of them has dwelt in such district, and the church, building, or place in which such marriage is intended to be solemnized.

If the persons intending marriage dwell in the districts of different Registrars, the like notice shall be given to the Registrar of each district.

To be entered in a book open for inspection. 1875, No. 22, sec. 7.

18. Every notice of an intended marriage shall be fairly written in a book to be kept for that purpose, and called the "Marriage-Notice Book," and the signature of the person giving the notice shall be affixed to the entry in the book.

The marriage-notice book shall be open during the ordinary office hours to all persons desiring to inspect the same.

#### CONSENTS, CAVEATS, ETC.

Consent necessary for marriage of minors. 1854, No. 12, sec. 16.

19. The father, if resident within the colony, of any person under twenty-one years of age, such person not being a widower or widow, or, if the father shall be dead, the guardian or guardians lawfully appointed of the person so under age, or one of them, and, in case there shall be no guardian or guardians, or in case the father shall not be resident within the colony, then the mother of such person, if resident in the colony, and, if there shall be no mother resident within the colony, then the guardian or guardians (if any) appointed by the Supreme Court of such person, or one of them, shall have authority to give consent to the marriage of such person, and such consent is hereby required for the marriage of such person so under age, unless there shall be no person within the colony authorized to give such consent.

In certain cases Judge of Supreme Court may consent to the marriage of minors. 1858, No. 29, sec. 9.

20. In case any father, or mother, or guardian, whose consent is necessary 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 person so petitioning had consented to such marriage.

21. Any person whose consent is required as aforesaid may forbid the issue of the Registrar's certificate, by writing at any time in the presence of the Registrar before the issue of such certificate the word "Forbidden" opposite to the entry of the notice of such intended marriage in the marriage-notice book, and by subscribing thereto his or her name and place of abode, and the relationship or guardianship by reason whereof he or she is authorized to forbid the issue of such certificate.

Issue of certificates may be forbidden. 1854, No. 12, sec. 18.

22. Any person having just and reasonable cause in that behalf may enter a *caveat* with the Registrar against the grant of a certificate for the marriage of any person named in such *caveat*.

*Caveat* may be entered. *Ib.*, sec. 19.

If any *caveat* be entered with the Registrar, such *caveat* being duly signed by or on behalf of the person who entered the same, together with his or her place of residence, and the ground of objection on which his or her *caveat* is founded, no certificate shall be granted until the Registrar shall have examined into the matter of the *caveat*, and be satisfied that it ought not to obstruct the grant of the certificate for the said marriage, or until the *caveat* be withdrawn by the person entering the same.

Effect of *caveat*.

Provided always that, in case of a Registrar refusing the grant of a certificate, the person applying for the same shall have a right to appeal to a Judge of the Supreme Court in a summary way, who shall thereupon either confirm the refusal or direct the grant of the certificate.

Appeal on refusal.

23. Every person who shall enter a *caveat* with the Registrar against the issue of any certificate on grounds which a Judge of the Supreme Court shall declare to be frivolous and vexatious, and that they ought not to obstruct the issue of the certificate, shall be liable for the costs of the proceedings and for damages, to be recovered in an action by the person against whose marriage such *caveat* shall have been entered.

If *caveat* vexatious. *Ib.*, sec. 20.

CERTIFICATES.

24. Before any certificate as hereinafter mentioned shall be granted by any Registrar, he shall require the person giving notice of the intended marriage to make a solemn declaration of the truth of the several particulars set forth in such notice; and also

Declaration to be made before certificate granted. *Ib.*, sec. 12.

One of the persons intending marriage shall appear personally before such Registrar, and shall make his or her solemn declaration that he or she believes that there is not any impediment of kindred or alliance, or other lawful hindrance to the said marriage, and that one of the persons has, for the space of three days immediately before the day of making such declaration, had his or her place of abode within the district wherein such marriage is to be solemnized.

Where either of the persons, not being a widow or a widower, shall be under the age of twenty-one years, such declaration shall further state that the consent of the person or persons whose consent to such marriage is by law required has been obtained thereto, or that there is no person resident in the colony having authority to give such consent, as the case may be.

Provision in cases of minors.

25. No such certificate shall be issued by any Registrar if any lawful impediment be shown to the satisfaction of such Registrar to the issue thereof, nor if the issue of such certificate shall have been forbidden in manner hereinbefore mentioned by any person or persons authorized in that behalf.

No certificate to issue if any impediment. *Ib.*, sec. 11.

Immediate certificates for marriage may be issued in certain cases.  
1858, No. 29, sec. 6.

26. It shall be lawful for the Registrar to whom notice shall have been given under the *seventeenth* section of this Act, immediately upon receipt of such notice, and upon the making of the declaration required by the *twenty-fourth* section, by one of the persons intending marriage, to issue a certificate of marriage in the cases following, that is to say,—

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; or,

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 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.

Every certificate of marriage issued under this Act shall be in the form Schedule D to this Act.

Cases where issue of certificate to be deferred.  
Ib., sec. 7.

27. When a declaration shall be made under the *twenty-fourth* section that, to the best of the 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 of 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.

Certificate to authorize, but not oblige, Officiating Ministers.  
1854, No. 12, sec. 13.

28. Every certificate as aforesaid issued by any Registrar shall be full authority for any Officiating Minister to solemnize any marriage when both the persons intending to contract such marriage dwell in the same district; but, if those persons dwell in different districts, certificates from the Registrars of both districts shall be required.

No such certificate or certificates shall oblige any Officiating Minister to solemnize any marriage.

Notice, certificate, &c., good for three months only.  
Ib., sec. 14.

29. Whenever a marriage shall not have been solemnized within three calendar months after the notice herein required to be given shall have been given to the Registrar, such notice and any certificate which may have been granted thereupon shall be utterly void.

Registrars to make quarterly returns.  
Ib., sec. 15.

30. Every Registrar shall, on or within seven days after the thirty-first day of March, the thirtieth June, the thirtieth September, and the thirty-first December respectively, in every year, make a return to the Registrar-General of every certificate granted by such Registrar since his last return, and of the particulars stated in every notice received by him.

#### SOLEMNIZATION OF MARRIAGES.

Certificate to be delivered to Officiating Minister.  
Ib., sec. 21.

31. The Registrar's certificate or certificates, as the case may be, shall, immediately before the solemnization of any marriage, be delivered, by one of the persons about to be married, to the Officiating Minister or Registrar solemnizing such marriage, as is hereinafter provided.

Place and time for marriages to be solemnized.  
Ib., sec. 22.

32. Every such marriage shall be solemnized in the place stated in the notice of such marriage, between the persons described in the notice, according to such form and ceremony as they may see fit to adopt. And

Every such marriage shall be solemnized with open doors, between the hours of eight in the morning and four in the afternoon, in the presence of an Officiat-

ing Minister or other person duly authorized by this Act, and in the presence of two or more witnesses.

**33.** Any person who shall object to be married under the provisions of this Act in the presence of any Officiating Minister may, after compliance with the provisions of this Act in all other particulars, contract and solemnize marriage at the office and before some Registrar, in the presence of two witnesses, with open doors and between the hours aforesaid.

Marriages may be solemnized at the office of Registrar. 1854, No. 12, sec. 23.

Provided that, in the presence of the Registrar and witnesses as aforesaid, each of the persons shall declare,—

“ 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.”

And each of the persons shall say to the other,—

“ I CALL upon these persons here present to witness that I, A.B., do take thee, C.D., to be my lawful wedded wife [or husband].”

*Every marriage solemnized before a Registrar as aforesaid shall, for the purposes of this Act, be deemed to be a marriage solemnized by such Registrar.*

REGISTRATION OF MARRIAGES.

**34.** It shall be lawful for the Officiating Minister or Registrar by whom any marriage is solemnized according to the provisions of this Act to ask from the persons to be married the several particulars required to be registered concerning such marriage.

Particulars to be registered may be inquired. *Ib.*, sec. 26.

**35.** Every Officiating Minister and Registrar by whom a marriage is solemnized shall forthwith register in a book to be kept for that purpose, and called the “ Marriage Register-Book,” the several particulars relating to such marriage, according to the form in Schedule E to this Act.

Marriages to be registered. 1853, No. 29, sec. 11.

Provided always that in the column of the said Schedule headed “ Age ” it shall be lawful to enter either “ Full age ” or “ Minor,” as the case may be.

Every such register shall be signed by such Officiating Minister or Registrar, as the case may be, 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.

Signatures to register.

**36.** 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.

Registration of marriages under certain circumstances. *Ib.*, sec. 12.

**37.** Every Officiating Minister or Registrar by whom any marriage is solemnized, who shall neglect to register the same, shall forfeit and pay a penalty of fifty pounds, to be recovered in a summary way.

Penalty. 1854, No. 12, sec. 28.

**38.** The marriage register-books shall be safely kept by the Officiating Ministers and Registrars respectively; and every Officiating Minister by whom or Registrar before whom any marriage has been solemnized, or the Officiating Minister in whose charge the marriage register-book is usually kept, shall, in the months of July, October, January, and April, respectively, make and transmit to the Registrar-General a true copy, certified by such Officiating Minister or

Copies of register to be forwarded to Registrar-General. 1853, No. 29, sec. 13.



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.

Penalty.  
1858, No. 29, sec. 13.

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.

Registrar-General to keep indexes.  
1875, No. 22, sec. 4.

39. The Registrar-General shall cause indexes to be made of the certified copies of entries of marriages forwarded to him, and shall permit any person demanding to do so to search any such index, and to have a copy, certified under the Registrar-General's hand, of any record of any marriage, the particulars of which have been duly forwarded to the Registrar-General by the Officiating Minister or Registrar by whom such marriage was solemnized or registered, as may be authorized by the Acts for regulating marriages which may be in force in the colony.

Searches, extracts, &c.  
Ib.

Certified copies of marriage returns made or given by the Registrar-General, and purporting to be signed by him, shall be received as *prima facie* evidence in any Court of justice within the colony of the fact of the marriage to which it relates having been solemnized.

#### VALID AND INVALID MARRIAGES.

Marriages not to be invalid for certain reasons.  
1858, No. 29, sec. 10.

40. It shall not be necessary, in support of any marriage solemnized under this Act, to give any proof of the actual dwelling of either of the persons 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;

Inadmissible evidence.  
Ib.

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 this Act, except as provided in the section next following.

No release from penalties.

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 unduly solemnized knowingly to be void.  
1854, No. 12, sec. 30.

41. If any persons shall knowingly and wilfully intermarry without certificate from the Registrar, or in the absence of an Officiating Minister or Registrar when the presence of an Officiating Minister or Registrar as aforesaid is necessary under this Act, the marriage of such persons shall be null and void.

Forfeiture of property acquired on marriage of minors without consent.  
Ib., sec. 31.

42. If any valid marriage shall be procured by a party to such marriage to be solemnized between persons one or both of whom shall be under the age of twenty-one years, not being a widower or widow, contrary to the provisions of this Act, by means of such party falsely swearing or declaring to any matter or matters to which such party is hereinbefore required personally to declare, such party wilfully and knowingly so declaring, then and in such case it shall be lawful for Her Majesty's Attorney-General, by information in the Supreme Court, at the relation of a parent or guardian of the minor whose consent has not been given to such marriage, to sue for a forfeiture of all the estate, right, title, and interest in any property which hath accrued or shall accrue to the party so offending by force of such marriage.

Such Court shall have power in such suit to declare such forfeiture, and thereupon to order and direct that all such estate, right, title, and interest in all property as shall then have accrued or shall thereafter accrue to such offending party by force of such marriage shall be secured under the direction of such 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 party offending from deriving any interest in real or personal estate or pecuniary benefits from such marriage.

Order of Court.  
1854, No. 12, sec. 31.

If both the parties so contracting marriage shall, in the judgment of the Court, be guilty of any such offence as aforesaid, it shall be lawful for the said Court to settle and secure such property or any part thereof immediately for the benefit of the issue of the marriage, subject to such provisions for the offending parties, by way of maintenance or otherwise, as the said Court under the particular circumstances of the case shall think reasonable, regard being had to the benefit of the issue of the marriage during the lives of the parents, and of the issue of the parties respectively by any future marriage, or of the parties themselves in case either of them should survive the other.

Where both parties offend.  
Ib.

43. All agreements, settlements, and deeds entered into and executed by the parties to any marriage, in consequence of or in relation to which marriage such information as aforesaid shall be filed by either of the said parties before and in contemplation of such marriage or after such marriage, for the benefit of the parties, or either of them, or their issue, so far as the same shall be contrary to and inconsistent with the provisions of such a security and settlement as shall be made by or under the direction of the Supreme Court as aforesaid, under the authority of this Act, shall be absolutely null and have no force or effect.

All settlements, &c., on any such marriage void.  
1854, No. 12, sec. 32.

44. Any original information to be filed for the purpose of obtaining a declaration of any such forfeiture as aforesaid shall be filed within one year after such relator or relators hath or have known or discovered the solemnization of the marriage by which such forfeiture shall have been incurred.

Proceedings to be within one year.  
Ib., sec. 33.

45. If any valid marriage shall be had under the provisions of this Act by means of any false notice, certificate, or declaration, made by either party to such marriage, as to any matter to which a notice, certificate, or declaration is herein required, it shall also be lawful for the Attorney-General to sue for a forfeiture of all estate and interest in any property accruing to the offending party by such marriage, and the proceedings thereupon and the consequences thereof shall be the same as hereinbefore provided.

Like forfeiture for marriage under false notice.  
Ib., sec. 34.

OFFENCES.

46. Every person who shall knowingly and wilfully make any false affirmation or declaration for the purpose of procuring any Registrar's certificate shall be guilty of a misdemeanour.

Making false declaration a misdemeanour.  
Ib., sec. 35.

47. Every person who shall forbid the issue of the Registrar's certificate 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 a misdemeanour.

False representation a misdemeanour.  
Ib., sec. 36.

48. Every person who shall knowingly and wilfully solemnize any marriage in any other place than the church, office, or place specified in the certificate required by this Act, and every person who shall knowingly and wilfully solemnize any marriage without a certificate from the Registrar as required by this Act, shall be guilty of a misdemeanour.

Solemnizing marriage otherwise than according to this Act a misdemeanour.  
Ib., sec. 38.

49. Every person who shall falsely pretend to be an Officiating Minister, and shall solemnize any marriage, knowingly and wilfully so offending, shall be

Solemnizing marriage falsely pretending to

be an Officiating Minister a felony.

1854, No. 12, sec. 37.

Registrar acting illegally in certain cases to be guilty of felony.

Ib., sec. 39.

Penalty for solemnizing marriage of minors without consent.

Ib., sec. 40.

Making false statements, misdemeanour.

1875, No. 22, sec. 6.

Limitation of prosecutions.

1854, No. 12, sec. 41.

Repeal of Acts.

guilty of felony, and shall be sentenced to penal servitude for a term not exceeding seven years.

**50.** Every Registrar who shall knowingly and wilfully issue any certificate for marriage after the expiration of three calendar months after the notice shall have been entered by him as aforesaid, or any certificate for marriage except the provisions of this Act be first complied with, or any certificate the issue of which shall have been forbidden as aforesaid by any person authorized to forbid the issue of such certificate, or who shall knowingly and wilfully register any marriage herein declared to be null and void, and every Registrar who shall knowingly and wilfully solemnize, in his office or elsewhere, any marriage herein declared to be null and void, shall be guilty of felony, and shall be sentenced to penal servitude for a term not exceeding seven years.

**51.** Every Officiating Minister and Registrar who shall knowingly or wilfully, without the consent of parents or guardians, solemnize any marriage wherein one or both of the persons has not or have not attained the full age of twenty-one years, shall for every such offence forfeit and pay a sum not exceeding one hundred pounds, to be recovered by action in the Supreme Court.

**52.** Every person who shall wilfully make or cause to be made, for the purpose of being inserted in any marriage register-book, any false statement touching any of the particulars required to be known and registered under the provisions of any Act for regulating marriages in the colony which shall at the time be in force, shall be guilty of a misdemeanour.

**53.** Every action or prosecution under this Act shall be commenced within the space of three years after the offence was committed.

#### REPEALS.

**54.** The Acts enumerated in the Schedule F are hereby repealed.

Schedules.

### SCHEDULES.

#### SCHEDULE A.

Sec. 7.

#### FEEES TO BE PAID TO REGISTRARS.

	£	s.	d.
For every notice given of an intended marriage	0	2	6
For every inspection of a marriage-notice book	0	1	0
For every <i>caveat</i> entered	0	5	0
For Registrar's certificate, under section 26	1	0	0
For Registrar's certificate, under section 27	0	5	0
For every marriage solemnized by a Registrar	1	0	0
For a search in a Registrar's marriage register-book, extending over a period of not more than one year	0	2	6
For every additional year	0	1	0
For every single certified copy of an entry therein	0	2	6
For the same, under the seal of the Registrar...	0	5	0
For every search in any index or marriage records in the office of the Registrar-General	0	5	0
For every single certified copy of any marriage entry in the records of the Registrar-General's Office	0	2	6
For the same, under the seal of the Registrar-General	0	5	0

SCHEDULE B.

RELIGIOUS BODIES.

Sec. 9.  
1876, No. 27.

- The Church of the Province of New Zealand, commonly called the Church of England.
- The Presbyterian Church of New Zealand.
- The Presbyterian Church of Otago and Southland.
- The Roman Catholic Church.
- The Wesleyan Methodist Society.
- All Congregational Independents.
- Baptists.
- The Primitive Methodist Connexion.
- The United Methodist Free Churches.
- The Lutheran Church.
- All Hebrew Congregations.
- The Society of Friends.

SCHEDULE C.

To the Registrar of Marriages for the District of

Sec. 17.  
1854, No. 12.

I HEREBY give you notice that a marriage is intended to be had, within three calendar months from the date hereof, between me and the other party herein named and described, that is to say,—

Name and Surname.	Condition.	Calling or Profession.	Age.	Dwelling-place.	Length of Residence.	Church, Building, Office, or Place where the Marriage is to be solemnized.	District in which the other Party resides, where the Parties dwell in different Districts.

Witness my hand, this                      day of                      , 18 .

J. S.

SCHEDULE D.

G.H., the Registrar of Marriages for the District of

Sec. 26.  
Ib.

To A.B., of                      , an Officiating Minister for the District of                      , and all other Officiating Ministers for the same district.

WHEREAS C.D., of                      , has given notice to me, according to the provisions of "The Marriage Act, 1880," of a marriage intended to be solemnized between the said C.D. and E.F., of                      [spinster]: And whereas the said C.D. has complied with all the requirements of the said Act: Now, I, G.H., the Registrar of Marriages for the District of                      , do hereby certify to you, the said A.B., and to all other Officiating Ministers for the District of                      , that the said C.D. has complied with the requirements of the said Act, and marriage may be solemnized between the said C.D. and E.F.: Provided that such marriage be publicly solemnized in the presence of you the said A.B., or any one of you [or the Registrar], and two or more witnesses, within three calendar months from the [Here insert the date of giving notice], in the [Here describe the church, building, office, or place where the marriage is to be solemnized], between the hours of eight in the forenoon and four in the afternoon.

Given under my hand this                      day of                      , 18 .

G.H., Registrar.

Sec. 35.  
1868, No. 22.

SCHEDULE E.

18.—MARRIAGES in the District of [Auckland].

No.	When and Where Married.	Names and Surnames of the Parties.	Ages.	Rank or Profession.	Condition of the Parties (Bachelor or Spinster). If a Widower or Widow, Date of Decease of former Wife or Husband.	Birth-place.	Residence.		Parents.	
							Present.	Usual.	Father's Name and Surname, and his Rank or Profession.	Mother's Name and Maiden Surname.

Married, after the delivery to me of the certificate required by "The Marriage Act, 1880," by

A.B., Officiating Minister [or Registrar].

This marriage was solemnized between us,

John Cox,

Mary Thompson,

In the presence  
of us,

{ John Hastings [place of abode and calling].

{ Geoffrey Mitchell [place of abode and calling].

SCHEDULE F.

1854, No. 12.—The Marriage Act, 1854.

1858, No. 29.—The Marriage Act Amendment Act, 1858.

1868, No. 22.—The Marriage Act Amendment Act, 1868.

1875, No. 22.—The Marriage Act Amendment Act, 1875.

1876, No. 27.—The Marriage Act Amendment Act, 1876.