

New Zealand.**MARRIAGE****1908, No. 113.**

AN ACT to consolidate certain Enactments of the General Assembly relating to 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:—

Short Title.

Enactments consolidated.

Savings.

1. (1.) The Short Title of this Act is "The Marriage Act, 1908."

(2.) This Act is a consolidation of the enactments mentioned in the First Schedule hereto, and with respect to those enactments the following provisions shall apply:—

(a.) All districts, offices, appointments, licenses, regulations, Proclamations, warrants, registers, registrations, records, certificates, notices, instruments, and generally all acts of authority which originated under any of the said enactments or any enactment thereby repealed, and are subsisting or in force on the coming into operation of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated.

(b.) All matters and proceedings commenced under any such enactment, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.

Act not to extend to marriages of Natives. 1904, No. 19, sec. 2

2. Nothing herein applies 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 between persons of the said race in such districts and at such times as the Governor, by Proclamation, from time to time appoints:

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

Districts, Registrars, &c.

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

Districts to be proclaimed.
1904, No. 19, sec. 3

4. (1.) The Governor may from time to time, by warrant under his hand, appoint a Registrar-General for New Zealand.

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

(2.) The Governor may also from time to time appoint Registrars of Marriages, and also may from time to 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.

5. Every Deputy shall, during the time he so acts, 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 is appointed Deputy; except that the Deputy of the Registrar-General shall not have the power given by section eight hereof of making regulations.

Duties of Deputy Registrars.
Ibid, sec. 5

6. (1.) Whenever the Registrar-General or any Registrar dies, 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 the Registrar-General or Registrar, as the case may be (or, in case of illness incapacitating him from so doing, his medical attendant), certifies 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.

When Deputy to act.
Ibid, sec. 6

(2.) Such Deputy shall cease to act from the day on which he receives from the officer whose Deputy he is a certificate under his hand to the effect that such officer has resumed his duties.

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

7. (1.) The Registrar-General and every Registrar are hereby respectively empowered to receive and take the several fees specified in the Second Schedule hereto; and all fees so received shall be accounted for by them to the Minister of Finance at such times and in such manner as he from time to time directs.

Registrar's power to levy fees.
Ibid, sec. 7

(2.) 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.

8. The Registrar-General may from time to time make regulations (not being repugnant to the provisions of any Act lawfully in force for regulating marriages in New Zealand) 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 this Act; and such regulations, after being approved by the Governor, shall be obeyed accordingly.

Registrar-General may make regulations.
Ibid, sec. 8

Officiating Ministers.

9. (1.) Any minister of religion whose name has been sent in to the Registrar-General by the person or persons within New Zealand

Officiating Ministers.
Ibid, sec. 9

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

Names to be certified.

(2.) The name of every such 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 certain cases certificates may be given by office-bearers.

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

Ministers of religious bodies not enumerated in Third Schedule.

1904, No. 19, sec. 10

10. (1.) Any minister of religion not connected with any of the bodies enumerated in the said Third Schedule, who furnishes to the Registrar-General a certificate signed by the recognised head in New Zealand of the religious body to which he belongs, or by two duly recognised ministers of such religious body, or by ten adult members thereof who append to their signatures their description as being such members, 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.

(2.) The signatures and descriptions of the aforesaid ten adult members 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 statutory declaration signed by such person and appended to the certificate.

Correct lists to be sent in every year
Ibid, sec. 11

11. (1.) 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.

(2.) Every certificate under the hands of any office-bearers or ministers or adult members respectively as aforesaid shall be sent in to the Registrar-General anew in the month of December in every year.

Lists to be in force or one year only.
Ibid, sec. 12

12. Every List of Officiating Ministers, and certificate under the hands of office-bearers or ministers or adult members, 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.

Ecclesiastical authorities to send in names of ministers, and certify suspension or deprivation of any ministers.
Ibid, sec. 13

13. The person having ecclesiastical authority over the several religious bodies as aforesaid shall, upon the suspension or deprivation of any Minister whose name has 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 has been again sent in to the Registrar-General in manner hereinbefore mentioned.

List of ministers to be gazetted.
Ibid, sec. 14

14. (1.) 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 requires, and shall, in the month of January in every year, cause a copy of such list to be gazetted.

(2.) 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.

15. Where notice is sent to the Registrar-General of the suspension or deprivation of any minister whose name has been entered upon the List of Officiating Ministers, the Registrar-General shall thereupon erase such name from 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.

Cancellation of names.
1904, No. 19, 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 conclusive evidence of the right of such Officiating Minister to act as such from the date of the certificate of the person or persons having ecclesiastical authority, or of the office-bearers, or of the ministers or adult members 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 was made.

Evidence of the right of Officiating Ministers to act.
Ibid, sec. 16

Notices.

17. (1.) In every case of marriage intended to be solemnised in New Zealand, one of the persons intending marriage shall, under his or her hand, give notice, in the form in the Fourth Schedule hereto, to the Registrar of the district within which one of the persons has 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 dwellingplace 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 solemnised.

Notice of every intended marriage to be given.
Ibid, sec. 17

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

18. (1.) 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.

To be entered in a book open for inspection.
Ibid, sec. 18

(2.) The Marriage-notice Book shall be open during the ordinary office hours to all persons desiring to inspect the same.

Consents, Caveats, &c.

19. The father, if resident in New Zealand, of any person under twenty-one years of age, such person not being a widower or widow, or, if the father is dead, the guardian or guardians lawfully appointed of the person so under age, or one of them, and in case there is no guardian or guardians, or in case the father is not resident in New Zealand, then the mother of such person if resident in New Zealand, and if there is

Consent necessary for marriage of minors.
Ibid, sec. 19

no mother resident in New Zealand, 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 is no person in New Zealand authorised to give such consent.

In certain cases
Judge of Supreme
Court may consent
to the marriage of
minors.

1904, No. 19, sec. 20
1906, No. 58, sec. 12

20. In case any father, or mother, or guardian, whose consent is necessary to the marriage of a person under age, is *non compos mentis*, or unreasonably or from undue motives refuses or withholds his consent to a proper marriage, then any person desirous of marrying in any of the above-mentioned cases may apply by petition to a Judge of the Supreme Court, and if upon examination in a summary way the marriage proposed appears 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.

Issue of certificates
may be forbidden.

1904, No. 19, sec. 21

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 authorised to forbid the issue of such certificate.

Caveat may be
entered.

Ibid, sec. 22

22. (1.) 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 the caveat.

Effect of caveat.

(2.) If any caveat is 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 has examined into the matter of the caveat and is satisfied that it ought not to obstruct the grant of the certificate for the said marriage, or until the caveat is withdrawn by the person entering the same :

Appeal on refusal.

Provided that where a Registrar refuses 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.

If caveat vexatious.

Ibid, sec. 23

23. If any person enters a caveat with the Registrar against the issue of any certificate on grounds which a Judge of the Supreme Court declares to be frivolous and vexatious, and such as ought not to obstruct the issue of the certificate, such person 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 was entered.

Certificates.

Declaration to be
made before certifi-
cate granted.

Ibid, sec. 24

24. (1.) Before any certificate as hereinafter mentioned is 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

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 solemnised.

(2.) Where either of the persons, not being a widow or a widower, is 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 New Zealand 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 is shown to the satisfaction of such Registrar to the issue thereof, nor if the issue of such certificate has been forbidden in manner hereinbefore mentioned by any person or persons authorised in that behalf.

No certificate to issue if any impediment.
1904, No. 19, sec. 25

26. (1.) It shall be lawful for the Registrar to whom notice has been given under section seventeen hereof, immediately upon receipt of such notice, and upon the making of the declaration required by section twenty-four hereof by one of the persons intending marriage, to issue a certificate of marriage in the cases following, that is to say:—

Immediate certificates for marriage may be issued in certain cases.
Ibid, sec. 26

Where it appears from the notice and declaration that both the persons intending marriage are of full age, or, if a person is under age, that such person is a widow or widower; or

Where, 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 appears upon the notice, or is 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, 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.

(2.) Every certificate of marriage issued under this Act shall be in the form in the Fifth Schedule hereto.

27. Where a declaration is made under section twenty-four hereof, that to the best of the declarant's knowledge and belief there is no person in New Zealand 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.

Cases where issue of certificate to be deferred.
Ibid, sec. 27

28. (1.) Every certificate as aforesaid issued by any Registrar shall be full authority for any Officiating Minister to solemnise any marriage where 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.

Certificate to authorise, but not oblige, Officiating Ministers.
Ibid, sec. 28

(2.) No such certificate shall oblige any Officiating Minister to solemnise any marriage.

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

Notice, certificate, &c., good for three months only.
Ibid, sec. 29

Registrars to make quarterly returns. 1904, No. 19, sec. 30

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.

Solemnisation of Marriages.

Certificate to be delivered to Officiating Minister. Ibid, sec. 31

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

Place and time for marriages to be solemnised Ibid, sec. 32

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

(2.) Every such marriage shall be solemnised with open doors, between the hours of eight in the morning and four in the afternoon, in the presence of an Officiating Minister or other person duly authorised by this Act, and in the presence of two or more witnesses.

Marriages of Quakers excepted from Act. Ibid, sec. 33

33. (1.) The provisions of this Act relating to the solemnisation of marriages in the presence of an Officiating Minister shall not extend to any marriage solemnised between parties one or both of whom are members of or in profession with the religious Society of Friends, commonly called Quakers; but every such marriage shall be as legal and valid as if duly solemnised under this Act if such marriage was when celebrated a valid marriage according to the usages of the Quakers:

Provided that notice of the intended marriage is given as required by this Act, and the Registrar's certificate prior to such marriage is duly issued.

Such marriages to be registered.

(2.) A certificate of every such marriage, duly signed by both the parties to the marriage and by two persons witnessing the marriage, shall, within one month next following the celebration thereof, be transmitted to the Registrar-General by the person celebrating or by one of the persons witnessing the marriage, or by the husband, stating the date and place of such marriage, and the name, designation, and usual residence of each of those parties, according to the form, as nearly as may be, in the Sixth Schedule hereto.

(3.) If such certificate is not transmitted as herein required, the husband shall be liable to a fine not exceeding twenty pounds, recoverable in a summary manner before any Magistrate or two Justices.

Marriages may be solemnised at the office of Registrar. Ibid, sec. 34

34. (1.) Any person who objects 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 solemnise marriage at the office of and before some Registrar in the presence of two witnesses, with open doors and between the hours aforesaid:

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].

(2.) Every marriage solemnised before a Registrar as aforesaid shall, for the purposes of this Act, be deemed to be a marriage solemnised by such Registrar.

Registration of Marriages.

35. It shall be lawful for the Officiating Minister or Registrar by whom any marriage is solemnised 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, and it shall be the duty of such persons to supply the same in so far as they are able to do so.

Particulars to be registered may be inquired.
1904, No. 19, sec. 35

36. (1.) Every Officiating Minister and Registrar by whom a marriage is solemnised 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 the Sixth Schedule hereto :

Marriages to be registered in register-book.
Ibid, sec. 36

Provided 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.

(2.) Every such register shall be signed by the 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.

37. If any Officiating Minister is called upon to solemnise a marriage at a place distant from that at which his register-book is usually kept, he may 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 solemnisation of the marriage by him by the persons married and by the witnesses ; and on his return to the place at which his register-book is kept he shall forthwith copy such entry accurately and in full into the 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 in a blank form under certain circumstances.
Ibid, sec. 37

38. Every Officiating Minister or Registrar by whom any marriage is solemnised who neglects to register the same is liable to a fine not exceeding fifty pounds, to be recovered in a summary way.

Fine for not registering.
Ibid, sec. 38

39. (1.) 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 solemnised, 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 Registrar under his hand, of all the entries of marriages in the register-books kept by him since the last return, and if there is no marriage entered therein since the last return he shall certify the fact under his hand.

Copies of register to be forwarded to Registrar-General.
Ibid, sec. 39

(2.) Every Officiating Minister or Registrar who refuses or neglects to make and transmit such return or certificate within the several times herein specified is liable for every such offence to a fine not exceeding ten pounds, to be recovered in a summary way.

Fine on failure.

Registrar-General
to keep indexes.
Searches, extracts,
&c.
1904, No. 19, sec. 40

40. (1.) 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 the marriage was solemnised or registered, as authorised by this or any former Act regulating marriages in New Zealand.

Certified copy of
entries to be received
as evidence.

(2.) 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 of the fact of the marriage to which it relates having been solemnised.

Registrar-General,
in certain cases,
may supplement
official records of
marriages from
evidence in the
possession of private
parties.

Ibid, sec. 41

41. (1.) The Registrar-General, on receiving from any parties to a marriage, or any witness thereto, or from any person on behalf of either of the said parties or of any of their issue, an original certificate of the solemnisation of such marriage purporting to be signed by the Officiating Minister or Registrar who solemnised the same, or a certificate of the solemnisation of the said marriage purporting to be a copy of an entry made by the said Officiating Minister or Registrar in a Marriage Register-book, signed by some person being an Officiating Minister or Registrar, and on being satisfied of the authenticity thereof, and of the non-existence of the Marriage Register-book wherein an entry of the solemnisation of such marriage should have been made, or of the loss or destruction thereof, and of the prior issue of the Registrar's certificate authorising such marriage, may accept the said certificate as if the same were a true copy, certified by an Officiating Minister or Registrar under his hand, of an entry of marriage in the register-book kept by him, and bind the same up with his official records.

(2.) The Registrar-General, for the purpose of establishing the authenticity of any marriage certificate as aforesaid, may examine witnesses on oath, and may administer oaths to such witnesses, and may require any other proof, by affidavit, declaration, or otherwise, as he thinks fit.

Supplemented
records to be
deemed to be
original.

Ibid, sec. 42

42. Every certificate as aforesaid sent to the Registrar-General shall, before it is accepted by him as an official record, be indorsed with the date of the receipt thereof, the names of the parties from whom he received it, with a short statement of the circumstances attending the case; and to this indorsement he shall attach his name and seal of office.

Sealed copies
thereof to be
evidence of
marriage.

Ibid, sec. 43

43. (1.) A certified copy made or given by the Registrar-General, and purporting to be signed by him, of any marriage certificate as aforesaid which is accepted by the Registrar-General as an official record shall be received as *prima facie* evidence in any Court of justice of the fact of the marriage to which it relates having been solemnised.

(2.) The Registrar-General shall, as soon as may be, transmit to the parties from whom he received a certificate which has been accepted by him as an official record a certified copy of such certificate, free of any charge.

Marriage with
deceased wife's
sister valid.

Ibid, sec. 44

Valid and Invalid Marriages.

44. Every marriage between any person and his deceased wife's sister which has heretofore been or which is hereafter contracted and solemnised before any minister of religion or Registrar duly authorised

to solemnise marriages shall be deemed to have been and be valid and binding, and the issue born or hereafter to be born of such marriages shall be deemed to have been and to be born in lawful wedlock :

Provided that this section shall not render valid any such marriage in any case where either of the parties to such marriage has thereafter before the coming into operation of "The Deceased Wife's Sister Marriage Act, 1880," lawfully intermarried with any other person ; nor shall this section deprive or be held to have deprived any person of any property which such person may have lawfully inherited prior to the coming into operation of the last-mentioned Act, or affect any then existing *lis pendens*.

45. Every marriage between any woman and her deceased husband's brother which has heretofore been or which is hereafter contracted and solemnised before any minister of religion or Registrar duly authorised to solemnise marriages shall be deemed to have been and to be valid and binding, and the issue born or hereafter to be born of such marriages shall be deemed to have been and to be born in lawful wedlock :

Marriage with deceased husband's brother permissible and lawful.
1904, No. 19, sec. 45

Provided that this section shall not render valid any such marriage in any case where either of the parties to such marriage has thereafter before the coming into operation of "The Deceased Husband's Brother Marriage Act, 1900," lawfully intermarried with any other person ; nor shall this section deprive or be held to have deprived any person of any property which such person may have lawfully inherited prior to the coming into operation of the last-mentioned Act, or affect any then existing *lis pendens*.

46. (1.) Every marriage between any person and his deceased wife's niece, or between any person and her deceased husband's nephew, which has, before the twenty-sixth day of April, one thousand nine hundred and six (being the date of the coming into operation of "The Marriages Validation Act, 1905"), been contracted and solemnised before any minister of religion or Registrar duly authorised to solemnise marriages shall be deemed to have been and to be valid and binding, and the issue born or hereafter to be born of such marriage shall be deemed to have been and to be born in lawful wedlock :

Certain marriages with deceased wife's niece or deceased husband's nephew valid.
1905, No. 64, sec. 5

Provided that this section shall not render valid any such marriage in any case where either of the parties to such marriage has thereafter before the date last aforesaid lawfully intermarried with any other person ; nor shall this section deprive or be held to have deprived any person of any property which such person may have lawfully inherited, acquired, or become entitled to prior to such date, or affect any then existing *lis pendens*.

(2.) For the purposes of this section "deceased wife's niece" means deceased wife's sister's daughter or deceased wife's brother's daughter, and "deceased husband's nephew" means deceased husband's brother's son or deceased husband's sister's son.

Interpretation.
Ibid, sec. 2

47. (1.) It shall not be necessary, in support of any marriage solemnised 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 solemnised for the time required, or of the consent of any person whose consent thereunto is required by law.

Marriages not to be invalid for certain reasons.
1904, No. 19, sec. 46

(2.) Nor shall any evidence be given to prove the contrary in any suit touching the validity of such marriage ; neither shall any marriage

Inadmissible evidence.

be deemed to have been unduly solemnised by reason of any mere error or defect in the notice, declaration, or certificate required before solemnisation, or in the registration of the marriage when solemnised, where 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 next succeeding section.

No release from penalties.

(3.) Nothing herein shall exempt any Officiating Minister or Registrar who does 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 solemnised knowingly to be void.
1904, No. 19, sec. 47

48. If any persons 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.
Ibid, sec. 48

49. (1.) If any valid marriage is procured by a party to such marriage to be solemnised between persons one or both of whom are 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 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 the Attorney-General, by proceedings in the Supreme Court, upon 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 has accrued or shall accrue to the party so offending by force of such marriage.

Order of Court.

(2.) Such Court may declare such forfeiture, and order and direct that all such estate, right, title, and interest in all property as has then 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 Court thinks fit, for the purpose of preventing the party offending from deriving any interest in real or personal estate or pecuniary benefits from such marriage.

Where both parties offend.

(3.) If both the parties so contracting marriage are, in the judgment of the Court, guilty of any such offence as aforesaid, the Court may 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 it under the particular circumstances of the case thinks 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 survives the other.

All settlements, &c., on any such marriage void.
Ibid, sec. 49

50. Where proceedings with respect to any marriage are taken as aforesaid by the Attorney-General, all agreements, settlements, and deeds entered into and executed by the parties to such marriage, whether before and in contemplation of the marriage or afterwards, for the benefit of the parties to the marriage or either of them, or their issue, shall be absolutely null and void in so far as the same are inconsistent with the provisions of the security and settlement made or directed as aforesaid by the Supreme Court.

51. The proceedings as aforesaid for the purpose of obtaining a declaration of any such forfeiture as aforesaid shall be commenced within one year after the relator or relators have known or discovered the solemnisation of the marriage by which such forfeiture was incurred.

Proceedings to be within one year. 1904, No. 12, sec. 50

52. If any valid marriage is had under the provisions of this Act by means of any false notice, certificate, or declaration, made by either party to the 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. Ibid, sec. 51

Offences.

53. Every person is liable to imprisonment with or without hard labour for any term not exceeding two years, or to a fine not exceeding fifty pounds, who—

Offences.

- (a.) Knowingly and wilfully makes any false affirmation or declaration for the purpose of procuring any Registrar's certificate; or
- (b.) Forbids 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; or
- (c.) Knowingly and wilfully solemnises any marriage in any other place than the church, office, or place specified in the certificate required by this Act, or knowingly and wilfully solemnises any marriage without a certificate from the Registrar as required by this Act; or
- (d.) Wilfully makes or causes 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 this Act.

Making false declaration. False representation. Ibid, sec. 52
Ibid, sec. 53
Solemnising marriage otherwise than according to this Act. Ibid, sec. 54
Making false statements. Ibid, sec. 58

54. Every person who falsely pretends to be an Officiating Minister, and solemnises any marriage, knowingly and wilfully so offending, is liable to imprisonment with hard labour for any term not exceeding seven years.

Solemnising marriage falsely pretending to be an Officiating Minister. Ibid, sec. 55

55. Every Registrar is liable to imprisonment with hard labour for any term not exceeding seven years who knowingly and wilfully issues any certificate for marriage after the expiration of three calendar months after the notice has been entered by him as aforesaid or any certificate for marriage except the provisions of this Act are first complied with, or any certificate the issue of which has been forbidden as aforesaid by any person authorised to forbid the issue of such certificate, or registers any marriage herein declared to be null and void, or solemnises in his office or elsewhere any marriage herein declared to be null and void.

Registrar acting illegally in certain cases. Ibid, sec. 56

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

Penalty for solemnising marriage of minors without consent. Ibid, sec. 57

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

Limitation of prosecutions. Ibid, sec. 59

SCHEDULES.

FIRST SCHEDULE.

ENACTMENTS CONSOLIDATED.

1904, No. 19.—“The Marriage Acts Compilation Act, 1904”: Including “The Marriage Act, 1904.”

1905, No. 64.—“The Marriages Validation Act, 1905.”

1906, No. 58.—“The Statute Law Amendment Act, 1906”: Section 12.

SECOND SCHEDULE.

FEES TO BE PAID TO REGISTRARS.

Section 7,
1904, No. 19,
Schedule B.

	£	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 caveat 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 solemnised 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

Section 9,
Ibid, Schedule C.

THIRD SCHEDULE.

RELIGIOUS BODIES.

The Church of the Province of New Zealand, commonly called the Church of England.	All Congregational Independents. Baptists.
The Presbyterian Church of New Zealand.	The Primitive Methodist Connexion.
The Roman Catholic Church.	The Lutheran Church.
The Methodist Church of Australasia in New Zealand.	All Hebrew Congregations. The Society of Friends.

Section 17,
Ibid, Schedule D.

FOURTH SCHEDULE.

NOTICE OF INTENDED MARRIAGE.

To the Registrar of Marriages for the District of
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.	Dwellingplace.	Length of Residence.	Church, Building, Office, or Place where the Marriage is to be solemnised.	District in which the other Party resides, where the Parties dwell in different Districts.

Witness my hand, this day of , 19

J. S.

FIFTH SCHEDULE.
MARRIAGE CERTIFICATE

Section 26.
1904, No. 19,
Schedule E.

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

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, 1908," of a marriage intended to be solemnised 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 solemnised between the said C. D. and E. F.: Provided that such marriage be publicly solemnised 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 solemnised], between the hours of eight in the forenoon and four in the afternoon.

Given under my hand, this day of , 19 .

G. H., Registrar.

SIXTH SCHEDULE.
MARRIAGE REGISTER.

Sections 33, 36.
Ibid, Schedule F.

19 .—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, 1908," by—

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

This marriage was solemnised 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].