

P A P E R S

RELATING TO

“THE MARRIAGE ACT, 1854.”

PRESENTED TO BOTH HOUSES OF THE GENERAL ASSEMBLY, BY COMMAND
OF HIS EXCELLENCY.

WELLINGTON.

—
1867.

PAPERS RELATING TO "THE MARRIAGE ACT, 1854."

Copy of a Letter from the BISHOP of CHRISTCHURCH to the Hon. the COLONIAL SECRETARY.

SIR,—

Bishopscourt, Christchurch, Canterbury, New Zealand, 8th May, 1867.

I have been requested by the Diocesan Synod of Christchurch to draw the attention of the Government to the fact that the Marriage Act of 1854 affords great facilities for clandestine marriages, in not providing for sufficient publicity of the notices of intended marriages.

Such clandestine marriages are so evidently opposed to the intentions of the Marriage Act, and so likely to be injurious to the social welfare of the community, that the Synod has expressed a hope, in which I heartily concur, that the Act may be so altered as to secure due and sufficient public notice of all intended marriages at least equal to the customary publication of banns in church, either by exposing such notices outside the Registrar's Office, or at the Resident Magistrate's Court, or by publication in the newspapers, or Provincial *Gazette*, or by some other means.

I have, &c.,

The Hon. the Colonial Secretary, Wellington.

H. J. C. CHRISTCHURCH.

Memorandum on Letter from BISHOP of CHRISTCHURCH to the Hon. COLONIAL SECRETARY.

To guard against clandestine and improper marriages was one of the principal objects had in view when "The Marriage Act, 1854" was framed. It was expected that the distinguishing feature of the Act, making it in every case indispensable that a Registrar's Certificate shall be obtained before a marriage can be solemnized, would render it efficient for this purpose,—the steps necessary in order to obtain such certificate, including stringent declarations on the points with which the civil law has to deal, and, in particular, carefully prepared provisions relating to minors. The Act has now been in operation for more than twelve years, during which period I certainly have heard it complained of much more on account of the difficulties which in some instances it was found to interpose, than on account of any laxity in its provisions with regard to the issue of the requisite certificate.

It would appear that some cases of evasion or breach of the law (risking, of course, the penal results of false declarations) with which I am unacquainted, have come under the notice of the Diocesan Synod of Christchurch. The course recommended by the Synod, if it could be fully carried into effect, would, no doubt, erect a formidable barrier against clandestine or private marriages (at least, whenever the persons who may be interested in preventing an intended marriage lived at or near the place at which notice of it was given). I apprehend, however, that there would be on the part of no inconsiderable portion of the public strong objections to a legislation which would render it absolutely impossible that a marriage could take place (in any case, or under any circumstances or conditions), until after the lapse of two or three weeks from the date of the notice, and which would, during that interval, give publicity to the intentions of all parties intending marriage, by the modes indicated,—such as public exhibition of the notices, or publication in the newspapers or Provincial *Gazettes*. In easily conceivable cases great hardship might result from the absolute prohibition of immediate or speedy marriages; and the publication to the world of every intended marriage would, no doubt, in many instances where nothing clandestine or wrong was meditated, be deemed a harsh and disagreeable necessity. Under the existing law no marriage, objectionable on any of the grounds with which the Legislature had to deal, can take place except by means of false declarations, involving the liability to severe punishment.

On the whole, I would respectfully submit as my opinion that it would scarcely be expedient for the Government to initiate so extensive an alteration as is now suggested by the Christchurch Synod—at all events until there shall be some more general expression of a desire on the part of the people of the Colony at large that it should be made.

Wellington, 29th May, 1867.

JOHN B. BENNETT,
Registrar-General.

