

Marriage Amendment.

No. VII.

AN ORDINANCE to amend an Ordinance for regulating
Marriages in the Islands of New Zealand.MARRIAGE
AMENDMENT.

[15th July, 1851.]

WHEREAS by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, (Session VIII., No. 7,) intituled "*An Ordinance for regulating Marriages in the Colony of New Zealand*," it is amongst other things enacted that licenses to marry without publication of banns may be issued according to the Ecclesiastical Laws of the United Church of England and Ireland and the Roman Catholic Church, by the proper authorities according to such laws, for marriages to be celebrated agreeably to the form and usages of the said Churches, provided that no such license for marriage shall be issued in any case in which any person whose consent to any marriage would have been required shall not have previously given his or her consent: And whereas it is expedient that, subject to such provisions as aforesaid, licenses for marriages to be celebrated according to the forms and usages of the Wesleyan Methodist Society, of the Church of Scotland, and of the Free Church of Scotland respectively, without publication of banns, should be authorized to be granted in manner hereinafter mentioned:

Preamble.

BE IT THEREFORE ENACTED by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

1. It shall be lawful for the Superintendent of Wesleyan Missions, for the Moderator of the Presbyteries of the Church of Scotland and of the Free Church of Scotland for the time being respectively, and for any Officiating Minister, to grant licenses for marriages without publication of banns, to be celebrated agreeably to the forms and usages of the Wesleyan Methodist Society, of the Church of Scotland, or of the Free Church of Scotland, or of the respective Religious Societies of which they may be Ministers.

Superintendent of Wesleyan Mission, and Moderator of the Presbyteries of the Church of Scotland and of the Free Church of Scotland, and Officiating Ministers authorized to grant licenses.

2. It shall be lawful for any such Superintendent or Moderator, if he shall deem it expedient so to do, by an instrument in writing under his hand and seal, to authorize one or more fit person or persons to grant such licenses as aforesaid.

Superintendent of Wesleyan Mission, and Moderator of the Presbyteries of the Church of Scotland and of the Free Church of Scotland, empowered to authorize others to grant licenses. If there be no such Moderator, Governor may grant such authority.

3. Provided always that in case there shall be no Moderator of the Presbytery of the Church of Scotland or of the Free Church of Scotland in the Islands of New Zealand, it shall be lawful for the Governor or other Officer Administering the Government of the Colony for the time being, by an instrument in writing under his hand and seal, to authorize one or more fit persons to grant licenses for marriages to be celebrated agreeably to the forms and usages of the Church of Scotland, or of the Free Church of Scotland, without publication of banns.

4. Before any such license as aforesaid shall be granted, one of the parties intending marriage shall appear personally before the person authorized to grant the same, and shall make oath that he or she believeth that there is not any impediment of kindred or alliance or other lawful impediment to the said marriage; and where either of the parties not being a widow or widower shall be under the age of twenty-one years, that the consent of the person or persons whose consent to such marriage is required by the said recited Ordinance

Oath or declaration &c. to be made by party applying for license.

hath

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hath been ordained thereto, or that there is no person having authority to give such consent, as the case may be.

Penalty for granting license without requiring such oath &c.

5. If any person authorized under and by virtue of the provisions of this Ordinance to grant licenses to marry without publication of banns, shall grant any such license without first taking from one of the parties intending marriage such oath affirmation or declaration as aforesaid, he shall forfeit and pay for every such offence the sum of one hundred pounds, to be recovered in a summary way.

Penalty for making false oath &c.

6. Every person who shall knowingly and wilfully make any false oath affirmation or declaration for the purpose of procuring any such license as aforesaid, shall be deemed to be guilty of a misdemeanour.

Marriage by license to be as valid as by banns.

7. Every marriage to be had and solemnized under the authority of any license so to be granted as aforesaid shall be as good valid and effectual to all intents and purposes as if such marriage had been had and solemnized after the due publication of banns, anything in the said recited Ordinance contained to the contrary notwithstanding.

II.—OFFICIATING MINISTERS.

Any Minister of a congregation of forty may require to be entered as an Officiating Minister.

8. And be it further enacted that any Minister of Religion who shall have been for a period of twelve calendar months in charge of a Christian congregation consisting of at least forty householders resident in the Province, may apply to the Registrar-General of Births Deaths and Marriages, and the Registrar-General, on production of certificates signed in duplicate by such forty householders at least, stating that the applicant has been for such period of twelve calendar months a Minister of Religion in charge of such congregation of which they are members, shall enter such applicant as an Officiating Minister within the meaning of the said recited Ordinance in a book to be kept for that purpose, and shall file and preserve one of such certificates among the records of his office, and shall give public notice thereof in the *Government Gazette*.

Power to Governor to cause a Minister to be entered as an Officiating Minister.

9. It shall be lawful for the Governor or other the Officer Administering the Government of the Colony for the time being, on the application of any Minister of Religion, accompanied by such proof as His Excellency may require, by an instrument under his hand, to direct such Registrar-General to enter such applicant as an Officiating Minister within the meaning of the aforesaid recited Ordinance. And it shall be the duty of every such Registrar-General, and he is hereby required, to make entry accordingly in the book to be kept by him as aforesaid, and also to file and preserve such instrument among the records of his office, and to give notice thereof in the *Government Gazette*.

Such entries may be cancelled.

10. If, subsequently to the entry of any such Officiating Minister as aforesaid, it shall be made to appear to the satisfaction of the Governor of the Colony for the time being that such person has ceased to be a Minister in charge of a Christian congregation consisting of forty resident householders, or, in the case of any such person as may have been entered under the direction of such Governor, that there are proper and sufficient reasons for disallowing such person to be entered as aforesaid for officiating in virtue of the said recited Ordinance, it shall be lawful for His Excellency, by an instrument under his hand, to direct the Registrar-General to cancel such entry, and the Registrar-General shall cancel such entry accordingly, and certify the same in the *Government Gazette*, and such person in either case shall thereupon cease to be or to be deemed an Officiating Minister within the meaning of the said recited Ordinance.

11. This

Census.

11. This Ordinance shall be construed with and shall be deemed and taken to all intents and purposes to form a part of the said recited Ordinance for regulating marriages within the Colony of New Zealand.

This Ordinance to be deemed to form part of the Marriage Ordinance.

No. VIII.

AN ORDINANCE for taking a Census of the Colony of New Zealand. [15th July, 1851.]

CENSUS.

WHEREAS it is expedient that authentic statistical information of the Colony of New Zealand be periodically obtained :

Preamble.

BE IT THEREFORE ENACTED by His Excellency the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof, as follows :—

1. That a Census of the number and condition of the population of the Islands of New Zealand shall be taken in the first fourth and seventh years of every decade of years, on the days and in the manner hereinafter declared.

Census to be taken at certain periods in each decade of years.

2. That the first decade shall be deemed to commence with the year of the passing hereof.

Commencement of first decade.

3. That the Governor-in-Chief shall appoint persons to collect the information required by this Ordinance, and may cause an allowance to be made to any such person at a rate not exceeding ten shillings per day.

Persons to be appointed to leave and collect Schedules &c. How to be remunerated.

4. That in each of the years hereinbefore particularized the Senior Resident Magistrate in every settlement in the said Islands, or, where there is no Resident Magistrate, some fit person to be appointed by His Excellency the Governor-in-Chief, shall, on or before the first day of March, cause notices to be affixed on the several Churches, Chapels, Court Houses, and Police Stations, and in such other conspicuous places as he shall deem proper, within such district as shall be to him assigned for that purpose by His Excellency the Governor-in-Chief, requiring every householder to be prepared, on the thirty-first day of March, or as soon thereafter as he may be called upon so to do by a Collector appointed as aforesaid, to give all such information as is required by the Schedule hereunto annexed.

Resident Magistrate to warn all householders to be ready with information by a certain day.

5. That the said Collectors shall, on or before the twenty-fifth day of March in each of the years hereinbefore particularized, leave at every house within the districts assigned to them respectively a Schedule, being a blank copy of the Schedule to this Ordinance annexed; and every householder able to write shall, on the thirty-first day of March, furnish in writing the information required by the said Schedule, by filling up the same and subscribing his name at the foot thereof, and shall deliver the same when called for to one of the said Collectors.

Collectors to leave Schedules at every house.

Householder to fill up same.

6. That each Collector shall, as soon after the thirty-first day of March as practicable, call at every house in his district to collect the Schedules, and is hereby authorized to put such questions as may be indispensable to the complete filling up thereof, to any householder who, from inability to write, shall not have duly filled up the same, and the Collector shall thereupon fill it up himself with the information so supplied.

Collectors to call for Schedules and complete them in certain cases.

7. That every householder who shall wilfully refuse or without lawful excuse neglect to fill up the said Schedule to the best of his knowledge and belief, or to sign and deliver the same, or shall make

Penalties for not filling up Schedule or answering Collector's questions.