

# Marriage Act Amendment Act 1889

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### **An Act to amend “The Marriage Act, 1880.”**

#### **Preamble.**

WHEREAS in the years one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two the Reverend Richard Hampson Gaskin, an officiating minister of the United Church of England and Ireland under “The Marriage Act, 1854,” residing at Collingwood, within the Registrar’s district of Aore, duly constituted under the said Act, solemnised sundry marriages at the private residences of various people residing within the said district, after due delivery to him in each case of the Registrar’s certificate authorising such marriage, and he gave to the parties to the said marriages original certificates of such marriages signed by himself: And whereas the said Reverend Richard Hampson Gaskin was drowned on the twenty-fourth day of September, one thousand eight hundred and seventy-two, and since his death no marriage-register book has, after diligent search, been found

in which entries of the said marriages have been made; and no trace of any record of the solemnisation of the said marriages is to be found among the official records of the Registrar-General for the colony: And whereas cases have occurred, on the death of officiating ministers or on their leaving the colony, that the register-books of marriages have been taken away, or been dispersed with their property, or otherwise been lost: And whereas cases have also occurred, and may occur, when the register-books in the custody of an officiating minister or Registrar have or may be accidentally destroyed, and entries of the solemnisation of marriages have been made in the said books of which no copy exists among the official records aforesaid: And whereas it is desirable to supplement the deficiency in the records of the Registrar-General aforesaid with the best evidence available of any marriage duly solemnised by any officiating minister or Registrar, and either not entered in any marriage-register book or duly entered in such a book which has been lost or destroyed:

**Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—**

**1 Short Title.**

The Short Title of this Act is “The Marriage Act Amendment Act, 1889.” It shall be deemed to be incorporated with “The Marriage Act, 1880” (hereinafter called “the said Act”).

**2 Interpretation.**

“Officiating minister” means any minister of religion whose name has been duly gazetted as such, either under the said Act or any Act or Ordinance in force within the colony previously to the passing of the said Act.

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

The Registrar-General for the colony, 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.

The said 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 shall think fit.

**4 Supplemented records to be deemed to be original.**

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.

**5 Sealed copies thereof to be evidence of marriage.**

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 within the colony of the fact of the marriage to which it relates having been solemnised.

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.