

Revd Charles H. NICHOLLS, Upper Hutt

Archives NZ Reference BDM 1/3 1875/347

Inwards correspondence of the Registrar General

Upper Hutt 15 May 1875

Sir, I have been an Officiating Minister legally registered for the last twenty three years, my name having been regularly handed in by the Bishop of the Diocese. I learn from a pamphlet sent to me, dated December 17th, 1874 intituled "Regulations and Instructions for the Guidance of Officiating Ministers" &c &c that I am required to obtain and send in a Certificate every December, signed by twenty four householders, that I am their Officiating Minister and moreover that all these "signatures must be verified by some person by a declaration before a Justice of the Peace." As this is an entirely new feature in the legal requirements which have... obtained, may I ask to be informed what is the legal authorisation for such requirement, as I do not find it in the Act of 1854 or 1858. May I also ask by what authority a new form of Certificate is required, which is not set forth in the Marriage Act of 1858 and whether that new form is intended to supersede or accompany the forms ordered by law. I have the honour to be Sir, Your obedient servant,
Charles H. S. Nicholls, Curate of St John's, Upper Hutt

Margin comment 1: See Marriage Act Amendment 1858 Section XV

XV: 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 publication in the *New Zealand Gazette* of the name of such Minister in pursuance of the provisions of the said "Marriage Act, 1854," 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 sent in to the Registrar-General in respect of such Officiating Minister, upon which such entry and publication have been or shall be made.

Margin comment 2: See Amendment Act 1858 Sections XI and XIII

XI: Every Officiating Minister, and every Registrar, immediately after a Marriage solemnized by him, or which may have taken place in his presence, shall register, in a book to be kept for that purpose, the several particulars relating to such Marriage, according to the form in Schedule C to this Act annexed; and every such Register shall be signed by such Officiating Minister or Registrar, as the case may be, present at such Marriage, 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: Provided always that it shall be lawful to use the form prescribed by the Schedule C of "The Marriage Act, 1854," but it shall be only necessary to make the entries in the columns corresponding with the columns of Schedule C to this Act annexed: Provided also that in the column headed "Age" it shall be lawful to enter either "Full Age" or "Minor", as the case may be.

XIII: The Marriage Register Books shall be safely kept by the Officiating Ministers and Registrars respectively; and every Officiating Minister or Registrar, as the case may be, before whom any Marriage has been solemnized, or has taken place, shall, in the months of July, October, January, and April, respectively, make and transmit to the Registrar-General, or other Officer to be appointed by the Governor in that behalf, 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 shall be no Marriage entered therein since the last Return, he shall certify the fact under his hand; and 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: Provided always that when a Register Book of Marriages is kept at any Church, Chapel, or Place at which different Officiating Ministers occasionally solemnize Marriages, it shall be sufficient that the Officiating Minister in whose charge such Book is usually kept, shall transmit to the Registrar-General, quarterly, copies of all entries made in the Book, such copies being certified under his hand to be correct; and he is required hereby, under the aforesaid penalties, to transmit such copies, at the times and in the manner provided herein.

Schedule C.

SCHEDULE C.

1855. *Marriages in the District of (Auckland.)*

No.	When Married, and Where.	Names and Surnames.	Age.	Rank or Profession.	Condition.	Name of Officiating Minister (or Registrar.)	When Registered.
5	4th February, 1855, St. Paul's Church, Auckland.	John Cox. Mary Thompson.	Full. Minor.	Clerk. Dress-maker.	Bachelor. Spinster.	A. B., Officiating Minister (or Registrar.)	4th Feb., 1855.

Married, after the delivery to me of the Certificate required by the Act of the General Assembly of New Zealand, intituled "The Marriage Act, 1854," by

A. B., (Officiating Minister) or (Registrar.)

This Marriage was solemnized between us,

John Cox, { In the presence } John Hastings, (Place of abode,) (Calling).
Mary Thompson, { of us, } Geoffrey Mitchel, (Place of abode,) (Calling.)

http://www.nzlii.org/nz/legis/hist_act/maaa185821a22v1858n29322/