

July, 1904, between Swedish subjects, or between a Swedish subject and a person of some other nationality not being a British subject, would be recognised in the British Empire.

I shall be glad to be informed at an early date whether marriages solemnised by foreign consular officers are valid in contemplation of the laws of the colony under your Government.

I have, &c.,

ALFRED LYTTTELTON.

The Officer Administering the Government of New Zealand.

Enclosures.

SIR,—

Foreign Office, 11th April, 1905.

I am directed by the Marquess of Lansdowne to transmit to you, for the information of Mr. Secretary Lyttelton, the accompanying copies of correspondence as marked in the margin respecting an inquiry made by Baron Bildt, the Swedish-Norwegian Minister at this Court, as to whether the new Swedish law of 8th July, 1904, regulating the solemnisation of marriages between Swedish subjects by Swedish diplomatic and consular officers abroad can be put in force in this country without coming into conflict with the municipal law of England.

The matter was referred to the Law Officers of the Crown, who expressed the opinion that such marriages are governed by the provisions of the Act 4 Geo. IV, cap. 76. Section 21 of that Act attaches a heavy penalty to the solemnisation of marriages in this country by any person in any other place than a church, or such public chapel wherein banns may be lawfully published, and section 22 provides that marriages so solemnised shall be deemed null and void for all purposes whatsoever.

As regards marriages solemnised at a foreign embassy or legation between subjects of the country to which the embassy or legation belongs, the Law Officers considered that these are not affected by the statute, but that all other marriages at embassies and legations, and all marriages at foreign consulates are prohibited in this country, unless the requirements of English municipal law have been complied with.

Baron Bildt was informed accordingly, but as the above quoted Act only applies to England, the Swedish Government are anxious to know how the matter stands in other parts of the British Empire.

The question therefore only concerns consular marriages in Ireland, Scotland, India, and the colonies. Lord Lansdowne would therefore be glad to know whether marriages solemnised by foreign consular officers are valid in contemplation of the laws of the various British colonies.

I am, &c.,

E. GORST.

The Under-Secretary of State, Colonial Office.

MONSIEUR LE MARQUIS,—

Londres, le 12 Novembre, 1904.

Le Gouvernement du Roi ayant l'intention, en vertu de la loi suédoise du 8 Juillet, 1904, d'accorder à certains fonctionnaires diplomatiques et consulaires à l'étranger l'autorisation de procéder conformément à la dite loi à la célébration de mariages entre sujets suédois ou bien entre un sujet suédois et un sujet d'un autre Etat, j'ai l'honneur, d'ordre de mon Gouvernement, de m'adresser à la bienveillance habituelle de Votre Seigneurie en La priant de vouloir bien me faire savoir si de la part du Gouvernement de Sa Majesté Britannique rien ne s'oppose à ce que nos fonctionnaires diplomatiques et consulaires exercent dans l'Empire Britannique les fonctions susmentionnées à condition toutefois qu'aucune des parties contractantes ne soit ressortissante de l'Empire Britannique.

Je saisis en même temps, &c.,

Sa Seigneurie Monsieur le Marquis de Lansdowne, K.G. &c.

BILDT.

MY LORD,—

London, 27th March, 1905.

I have the honour to acknowledge the receipt of Your Lordship's letter of the 20th February ultimo in answer to the letter of this Legation of the 12th November, 1904, concerning the eventual recognition in the British Empire of marriages solemnised by Swedish diplomatic or consular officers.

It being desired by my Government, in view of the Swedish law of the 8th July, 1904, to empower our diplomatic and consular officers to perform marriages at the legations and certain consulates in all countries where such marriages will be recognised as valid by local legislation, I venture to apply for some further information as to the validity within the British Empire of such marriages, and more especially to call Your Lordship's attention to the following points:—

The Act of Geo. IV, cap. 76, concerning marriages, enclosed in Your Lordship's letter of the 20th February above mentioned, expressly states in section 33 that the Act shall "extend only to that part of the United Kingdom called England," whereas my Government are interested in the recognition of the marriages solemnised by their diplomatic or consular officers throughout the British Empire; moreover, judging from the fact that a marriage can be lawfully concluded in this country at a registry office, it would appear that even in England the sections 21 and 22 of the Act above referred to are not in unmitigated force.

Your Lordship is also pleased to add at the end of the letter of the 20th February above mentioned that "all other marriages at embassies or legations," save those of subjects of the country to which the embassy or legation belongs, "and all marriages at foreign consulates are