

express legislative provision enabling the notice to be given and the certificate issued for the purpose of the Foreign Marriage Act, but that the requirements of the concluding words of Article 10 would be sufficiently met in any case where—

- (i.) There was no provision of law expressly or impliedly preventing (1) the giving of the notice contemplated, or (2) the issue by the Marriage Registrar or other like officer of the necessary certificate for the purpose of the Foreign Marriage Act; and
- (ii.) The Marriage Registrar or other like officer was given administrative authority to issue the certificate.

4. The consideration set out in the preceding paragraph would also apply in the case of notice of publication of banns in any self-governing Dominion or State where the law allowed persons resident therein to be married by banns: that is to say, notice by publication of banns would be a good notice, and a certificate of such publication would be a good certificate for the purpose of Article 10, in the absence of any law expressly or impliedly preventing the publication of banns or the issue of a certificate of such publication for the purpose of the Foreign Marriages Act.

5. With regard, however, to the giving of notice by publication of banns, a further question arises as to whether the clergyman who publishes the banns is “a Marriage Registrar,” &c., within the meaning of Articles 10 and 11 of the Order in Council and therefore capable of giving the certificate required by Article 10. I am advised that the clergyman would probably be held to be so in any case where the local law casts on him any duty to register any marriage celebrated by him after publication of banns, or to enter the same in any record to which the public have access or which has to be transmitted in duplicate to the public registry; but, as this question is open to doubt, it may be advisable in cases where there exists a Registrar of Marriages capable of giving the required certificate that the certificate of banns should in all cases be obtained from him.

6. I have to add that the Secretary of State for Foreign Affairs has requested that he may be furnished, for the use of British consular officers, with a list of the official titles of all Registrars or other like officers who are empowered to issue the certificates required by Article 10 of the Order in Council, and I should be glad, therefore, if, in the light of the preceding paragraphs of this despatch, you would send me a list of the persons empowered to issue such certificates in New Zealand. I should also be glad if in sending this list you would state whether or not notice can be given by publication of banns for the purpose of the Foreign Marriage Act, and whether certificates of the giving of such notice can be issued by the clergyman publishing such banns.

I have, &c.,

L. HARCOURT.

Governor His Excellency the Right Hon. the Earl of Liverpool,
G.C.M.G., M.V.O., &c.

No. 53.

New Zealand, No. 348.

MY LORD,—

Downing Street, 14th August, 1914.

I have the honour to transmit to Your Excellency, for the information of your Ministers, the accompanying copies of the following Acts of the Imperial Parliament:—

IV & V George V, ch. 14: Currency and Bank Notes Act, 1894.

IV & V George V, ch. 26: Army (Supply of Food, Forage, and Stores) Act, 1914.

IV & V George V, ch. 29: Defence of the Realm Act, 1914.

I have, &c.,

L. HARCOURT.

Governor His Excellency the Right Hon. the Earl of Liverpool,
G.C.M.G., M.V.O., &c.