

*Statutes of Upper-Canada, Passed in the third session of the second provincial parliament (1798). From The Provincial Statutes of Upper-Canada: Revised, Corrected, and Republished (York, R. C. Horne, 1818.)*

38 George III – Chapter 4

*The following Act passed the Legislative Council and House of Assembly in the thirty-eighth year of George the Third, but the Royal Assent was reserved for the signification of His Majesty's pleasure.*

**An Act to extend the provisions of an Act passed in the Second Session of the First Provincial Parliament of Upper Canada, intituled, "An Act to confirm and make valid Certain Marriages, heretofore contracted in the Country now comprised within the Province of Upper Canada, and to provide for the future Solemnization of Marriage within the same.**

(The Royal Assent to this Act, was promulgated by Proclamation, bearing date the twenty ninth day of December, in the year of our Lord One thousand seven hundred and ninety-eight, and thirty ninth of His Majesty's Reign.)

Whereas it hath been found expedient to extend the provisions of a certain Act passed in the thirty-third year of His Majesty's Reign, intituled, "An Act to confirm and make valid Certain Marriages heretofore contracted in the Country now comprised within the Province of Upper Canada, and to provide for the future Solemnization of Marriage within the same," Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful to, and for the Minister or Clergyman of any congregation or religious community of persons, professing to be members of the Church of Scotland, or Lutherans, or Calvinists [Calvinists], who shall be authorised in manner hereafter directed, to celebrate the ceremony of Matrimony, according to the rights of such Church or religious community, between any two persons, neither of whom are under any legal disqualification to contract matrimony, and one of whom shall have been a member of such congregation or religious community, at least six months before the said Marriage, any law or usage to the Contrary notwithstanding.

II. Provided nevertheless, and be it enacted by the authority aforesaid, That no person shall be taken, or deemed to be a Minister or Clergyman of any such congregation or religious community, within the intent and meaning of this Act, who shall not have been regularly ordained, constituted, or appointed, according to the rites and forms of such congregation or religious community, and unless he shall have appeared, or come before the Justices of the Peace assembled in Quarter Sessions, in the District, in which he shall reside, when not less than six Magistrates, besides the chairman, shall be present, and shall have then with him at least seven respectable persons,

38 George III – Chapter 4

members of the congregation or religious community to which he belongs, who shall declare him to be their Minister or Clergyman; and unless he shall produce proofs of his ordination, constitution, or appointment to that office, and unless he shall then and there take the Oath of Allegiance to His Majesty; when, if it shall appear to the majority of the Justices then present, expedient and proper, they are hereby authorised to grant him a certificate under the Seal of the Court, and signed, by the Chairman and Clerk of the Peace, (for which the said Clerk of the Peace shall be entitled to demand and receive the sum of five shillings) certifying him to be the settled Minister or Clergyman of such congregation or religious community; which certificate shall be in the following form:

Be it Remembered, that at the General Quarter Sessions of the Peace, holden at the Town of \_\_\_\_\_ in the County of \_\_\_\_\_ in and for the \_\_\_\_\_ District, on the day of \_\_\_\_\_ in the year of Our Lord before A. B. (and six others) Esquires, and others, Justices of our Sovereign Lord the King, assigned to keep the Peace in the said District, &c. came C. D. of \_\_\_\_\_ together with E. F. of \_\_\_\_\_ (and (six others, whose names and descriptions must be inserted) members of \_\_\_\_\_ at \_\_\_\_\_ (Congregation) or (Community) of \_\_\_\_\_ at \_\_\_\_\_ in the County of \_\_\_\_\_ in the said District. And the said E. F. &c. being duly examined, satisfied the Court that the said C. D. is the settled (Minister) or (Clergyman) of the said (Congregation) or (Community) and was regularly ordained, constituted, and appointed thereto.

J. K. Clerk of the Peace.      G. H. Chairman.

III. Provided nevertheless, That no such certificate shall be given by the said Court of Quarter Sessions as aforesaid, unless the person applying for the same shall have given notice in writing, to the Clerk of the Peace, at, or before the General Quarter Sessions immediately preceding that on which he shall apply for such certificate; which notice in writing, the said Clerk of the Peace shall read in open Court, and shall also fix up in some conspicuous part of his office, within eight days after, the same shall have been so read; for which service he, the said Clerk of the Peace, shall be entitled to demand and receive the sum of five shillings and no more.

IV. Provided also, and be it further enacted by the authority aforesaid, That no such Minister or Clergyman shall, at any time, celebrate the ceremony of Matrimony between any two persons as above described, unless he shall on three several Sundays before he shall celebrate the said ceremony, openly, and with a loud voice in the Church, Chapel, Meeting, House, or other place of worship of such congregation or religious community, either in some intermediate part of the service, or immediately before it begins, or immediately after it is ended, declare his intention so to do; and shall at each time, of making such declaration, also declare the number of times for which he shall have made such declaration respectively; or unless such Minister or Clergyman, shall have been duly authorised by licence, under the hand and seal of the Governor, Lieutenant Governor or Person administering the Government, of the Province, to celebrate the said ceremony between the two persons therein named.

V. And be it further enacted, by the authority aforesaid, That it shall and may be lawful to and for the parties thus married, or either of them, to demand of the said Minister or Clergyman, and he is

hereby authorised and required to give the same a certificate of such marriage, which, may be in the following form, viz:

Whereas A.B. of \_\_\_\_\_ and C. D. of \_\_\_\_\_ were desirous of intermarrying with each other, and have applied to me for that purpose, their intention so to do having been regularly proclaimed on three several Sundays, as is directed, or having presented a licence, (as the case may be.) Now these are to certify, that I, E. F. Minister of the community of \_\_\_\_\_ at \_\_\_\_\_ have this day married the said A. B. and C. D. together, and they are become legally contracted to each other. As witness my hand at \_\_\_\_\_ this day of \_\_\_\_\_ in the year of Our Lord \_\_\_\_\_.

In presence of G. H. J. K.

Which certificate shall, and may be registered by the Clerk of the Peace, in like manner as is directed in the aforesaid Act, passed in the thirty-third year of His Majesty's Reign, intituled, "An Act to confirm and make valid Certain Marriages heretofore contracted in the Country now comprised within the Province of Upper Canada, and to provide for the future solemnization of Marriage within the same."

VI. And be it further enacted by the authority aforesaid, That all Marriages which may have been celebrated since the passing of the said Act of the thirty-third year of His Majesty's Reign, by any person who shall obtain such certificate as aforesaid, between any two persons, either of whom now is, or then was, a member of any of the said congregations or communities, above named, shall be deemed good and valid, any law to the contrary notwithstanding.