

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Thursday the Eleventh day of February, 1819, in the Fifty-Ninth year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith &c. &c. being the First Session of the Eleventh General Assembly, convened in the said Province.

59 George III – Chapter 16

An Act relating to Marriages, and the issuing of Marriage Licenses.

Whereas, doubts have arisen whether the laws of the province authorise His Excellency the Governor, Lieutenant-Governor or Commander-in-Chief for the time being, to grant licenses to persons to marry otherwise than according to the forms prescribed by the Book of Common Prayer; for removing such doubts,

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, that it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to grant marriage licenses to persons within this province, of any religious persuasion whatsoever; which licenses shall be in the form hitherto used, or in the form following, at the option of the parties applying for the same:—

By his Excellency

To A. B. and C. D. Greeting

Whereas, it has been signified unto us, that you have resolved to proceed to the solemnization of true and lawful matrimony, and are desirous to have the same solemnized without proclamation of banns, and being willing that there your good intentions shall take effect, and for other lawful causes, do hereby grant this license and faculty, as well to you the parties contracting as to E. F. Clergyman, or officiating minister of a different congregation, in the township of _____ to solemnize the said marriage openly, without publication of banns. Provided, there shall hereafter appear no lawful impediment by reason of consanguinity, affinity, or any other cause whatsoever; and if in case there hereafter appear any fraud suggested, or truth suppressed, at the time of obtaining this license, then these presents shall be void and of no effect in law. Inhibiting, hereby, all ministers, if any thing of the premises come to their knowledge, that they do not proceed to the celebration of the said marriage without consulting us thereupon.

Given under our hand and seal at arms, at Halifax, this ____ day of ____ Anno Domini ____.

By His Excellency's Command, _____

II. And be it further enacted, that before any such license to marry shall be granted and made use of, security shall be given in the form heretofore used, except as to the condition

which requires the marriage to be solemnized according to the form of the Book of Common Prayer.

III. And be it further enacted, that the secretary of the province shall keep a registry of all the marriage licenses so granted, with the date thereof, and the names of the parties to whom the same are granted.

IV. And be it further enacted, that all and every person or persons (except clergymen of the Church of England) who shall solemnize marriage under the authority of any such license, shall, under penalty of five pounds, to be recovered before any one of His Majesty's Justices of the Peace, grant a certificate, signed by himself, and by at least two witnesses who were present at such marriage, setting forth therein the names of the parties so married, and the day of the month and year in which the same was so solemnized, and shall transmit the said certificate to the office of the provincial secretary, within three months after such marriage shall be solemnized, to be by him recorded; and shall also transmit a duplicate of such certificate, within the same period to the clerk of the peace in the county or district in which such marriage shall be solemnized as aforesaid, to be by him entered in a record to be kept for that purpose: and the secretary of the province shall be entitled to receive for such registry and certificate, two shillings and six-pence, and no more.

V. And be it further enacted, that a copy of such certificate, duly certified by the proper officer, shall be received and taken to be good evidence to prove the solemnization of such marriage in all courts of law and equity in this province.

VI. And be it further enacted, that no other or greater fees shall be taken, on the granting such licenses than those heretofore taken for marriage licences; and that the clerk of the peace who shall record such certificate of marriage, and grant a certified copy, shall be entitled to two shillings and six-pence for such service, and no more.

Provided always, that no license granted under this act, nor any thing herein contained, shall authorise, or be deemed to authorise, any person or persons whatsoever to solemnize any marriage or marriages, excepting clergymen of the established Church of England, clergymen of the Church of Scotland, clergymen of the Church of Rome, and such dissenting ministers as have been regularly ordained according to the rules of the respective sects to which they belong, and who shall be the officiating settled minister of some congregation in this province. Provided also, that no license, granted under this act, shall authorise any clergyman or minister, dissenting from the established church, to solemnize any marriage or marriages, unless the man or woman named in such license shall belong to the congregation or religious sect of the clergyman, or the dissenting minister, who shall perform the marriage ceremony, excepting in those districts and townships of the province where there shall be no resident clergyman of the established church.

VII. And be it therefore enacted, that nothing herein contained shall be of any force or effect until His Majesty's pleasure shall be known thereon.