

Laws of His Majesty's Province of Newfoundland, passed in the year 1833.

3 William IV – Chapter 10 (Session 1)

An Act to repeal the Laws now in force concerning the celebration of Marriages, and to regulate the future celebration of Marriages in this Island. (8th July, 1833.)

Whereas a certain Act was passed in the Imperial Parliament in the fifth year of the Reign of His late Majesty King George the Fourth, entitled “An Act to repeal an Act passed in the fifty seventh year of the Reign of His late Majesty King George the Third, entitled ‘An Act to regulate the celebration of Marriages in Newfoundland, and to make further provision for the celebration of Marriages in the said Colony and its Dependencies,’” which said Act has been continued by two certain other Acts of the said Imperial Parliament, passed respectively in the Tenth year of the Reign of His said late Majesty King George the Fourth, and in the second and third years of the Reign of Our Sovereign Lord William the Fourth: And whereas in and by the said last mentioned Act, the said recited Act, passed in fifth year of the Reign of His said late Majesty King George the Fourth, is further continued until His Majesty, or the Governor, Lieutenant Governor or Officer Administering the Government of Newfoundland, in pursuance of any Commission or Instructions to him for that purpose addressed by His Majesty, with the advice and consent of any House or Houses of General Assembly, which His Majesty thereafter may be pleased to convoke from among the Inhabitants of the said Colony, by any Act or Acts to be from time to time for that purpose passed, shall repeal in whole or in part, or amend, alter or vary the said recited Act or any part thereof: And Whereas it is expedient to repeal the said Act passed in the fifth year of the Reign of His said late Majesty King George the Fourth, save and except certain parts thereof hereinafter reserved and excepted, and to make further and more effectual provision for the celebration of Marriages in Newfoundland and its Dependencies: Be it therefore enacted, by the Governor, Council and Assembly, in Colonial Parliament assembled, that from and after the passing of this Act, the said recited Act, passed in the fifth year of the Reign of His said late Majesty King George the Fourth, except in so far as the said Act repeals a certain other Act passed in the Fifty-seventh year of the Reign of His said late Majesty King George the Third, and except in so far as it legalizes all Marriages in Newfoundland had within a certain period, and declares them to be good and valid, shall be, and the same is, hereby repealed.

II. And be it further enacted, that all Marriages which may hereafter be had in Newfoundland and its Dependencies, shall be celebrated by Persons in Holy Orders or by any resident Minister publicly recognized as the Pastor and Teacher of any Congregation having a Church or Chapel, or by any Persons employed to discharge the duties of Teachers or Preachers of Religion, such Teachers or Preachers being duly licensed to celebrate Marriage by the Governor or Commander in Chief for the time being of the said Colony or its Dependencies, except in the cases hereinafter especially excepted and provided for.

III. And be it further enacted, that no Person in Holy Orders, nor any such Preacher or Teacher of Religion as aforesaid, nor any other Person authorized to celebrate Marriage by this Act, shall celebrate or perform Marriage between any Persons in Newfoundland, or its Dependencies, except in the presence of two credible Witnesses; and if any such Person in Holy Orders, or Teacher or Preacher of

Religion as aforesaid, or any other Person authorized to celebrate Marriage by this Act, shall hereafter celebrate or perform any Marriage between any Persons in Newfoundland or its Dependencies, except in the presence of two credible Witnesses, he shall incur and become liable to the payment of a fine of Fifty Pounds Sterling Money of Great Britain, but the want of such Witnesses shall not invalidate the Marriage.

IV. And be it further enacted, that if any Person or Persons duly authorized and licensed as aforesaid to perform or celebrate Marriage in Newfoundland and its Dependencies, shall so perform or celebrate any Marriage between any two persons either of whom shall be under Age, without having first duly published the Banns thereof on three successive Sundays, in some Church or Chapel, or where there is no Church or Chapel, then, after notice of such intended Marriage shall have been placarded in some conspicuous place of public resort for the space of three weeks immediately preceding the day appointed for the celebration of such proposed Marriage, or without having first obtained the consent of the Parents or Guardians of such Person or Persons under age, he or they shall be taken and deemed to be guilty of a high misdemeanour, and shall, on conviction thereof before the Judges of the Supreme Court or the presiding Judge of any Circuit Court of this Island, suffer such penalty as the said Court in its discretion shall award, not exceeding the sum of Fifty Pounds Sterling.

V. And be it further enacted, that every Person in Holy Orders, and every Teacher or Preacher of Religion as aforesaid, by whom any Marriage shall be performed or celebrated in Newfoundland or its Dependencies from and after the first day of August next, shall, under the penalty of Five Pounds, immediately after the performance or celebration of any such Marriage, enter in a Register or Book to be kept for that purpose in the Church or Chapel in which he performs Divine Service, a Certificate or Record of such Marriage, subscribed with his own name, and comprising and containing the names and signatures or marks of the Parties married, the day and year when and the place where the Marriage was performed, and the names and signatures of two credible Witnesses present at such Marriage, and such Register or Book shall be kept and remain at such Church or Chapel, and shall be open to the inspection of any Person or Persons requiring to consult or examine the same, at all convenient hours; and every Clergyman, and Teacher or Preacher of Religion licensed as aforesaid, shall make and deliver to any and every Person who shall demand the same, a true copy, attested by him, of any Entry or Record contained or made in the said Book or Register of Marriages, on payment to him, by the person who shall require such attested copy, of a fee of Two Shillings and Sixpence.

VI. And be it further enacted, that any such Book or Register of Marriages, or such attested copy as aforesaid of any Entry or Record made in any such Book or Register of Marriages, the hand writing of the attesting Minister being duly proved, shall be deemed and taken to be and shall for all purposes be received as good and sufficient evidence of the due celebration of any Marriage in Newfoundland and its Dependencies, which by such Book or Register or by such attested copy shall appear or purport to have been celebrated; and every such Marriage shall, upon the production of every such Book or Register, or of such attested copy and proof as aforesaid, be deemed and taken to have been duly performed and celebrated.

VII. And be it further enacted, that if any Person or Persons shall wilfully deface or destroy, or procure to be defaced or destroyed, any Book or Register of any Marriage, or of any part thereof, as aforesaid,

with intent to avoid, cancel or annul such Marriage, such Offender or Offenders shall, on conviction thereof, be taken and deemed to be guilty of Felony.

VIII. And whereas, by reason of the great extent of this Island of Newfoundland and its Dependencies, and from the want of internal communication between the different parts of the said Colony, great difficulties have arisen with respect to the solemnization of Marriages in various Settlements and Stations, and it is expedient that temporary provision be made for the legal solemnization of Marriages in such Settlements or Stations: Be it therefore further enacted, that when the residence of any Woman about to be married shall be distant ten miles from the residence of the nearest Clergyman, or Teacher or Preacher of Religion, licensed as aforesaid, it shall and may be lawful for any Magistrate or Conservator of the Peace, being first duly licensed for such purpose by the Governor or Commander in Chief for the time being, to celebrate such Marriage or Marriages; and if there be no such Teacher or Preacher of Religion, nor any Magistrate or Conservator of the Peace, licensed as aforesaid, residing within fifteen miles of the Woman about to be married as aforesaid, then and in such case it shall be lawful for any Layman or Person duly licensed for such purpose by the Governor or Commander-in-Chief for the time being, to celebrate Marriage between any Persons resident in such place as aforesaid, anything in this Act contained to the contrary thereof notwithstanding.

IX. And be it further enacted, that every Teacher and Preacher so licensed, who shall not have a Church or Chapel in which he performs Divine Service, and every Magistrate, Conservator of the Peace, or other Layman, so celebrating any Marriage as aforesaid, shall within twelve months from the time of the celebration of any such Marriage, cause a Certificate thereof to be registered in the Office of the Colonial Secretary of the Island under a penalty of Five Pounds Sterling; and whenever such Certificate of a Marriage shall be produced and delivered to the Colonial Secretary, duly proved, he shall, within seven days next after the receipt of every such Certificate, and upon payment or tender to him of One Shilling and no more, enter or cause to be entered a true and correct Copy thereof in a public Book or Register of Marriages to be by him kept for that purpose; and such public Book or Register shall be kept and remain at the Office of such Secretary, and shall be open to the inspection of any Person or Persons requiring to consult the same, at the usual Office hours; and the said Secretary shall make and deliver to any and every Person who shall demand the same, upon payment or tender to him of Two Shillings and Sixpence and no more, a true and correct Copy of any entry made in the said public Book or Register of Marriages, attested by him in form following, that is to say, A true Copy, extracted from the public Register of Marriages.

_____ C. D. Secretary.

X. And be it further enacted, that any such public Book or Register of Marriages in Newfoundland and its Dependencies, or such attested Copy as aforesaid of any entry in any such public Book or Register of Marriages, the hand-writing of the said Secretary being duly proved, shall be deemed and taken to be, and shall for all purposes be received as good and sufficient evidence of the due celebration of any Marriage in Newfoundland, or its Dependencies, which by such Book or Register, or by such attested Copy, shall appear or purport to have been celebrated; and every such Marriage shall, upon production of such Book or Register, or of such attested Copy and proof as aforesaid, be deemed and taken to have been duly performed and celebrated.

XI. And be it further enacted, that all Fines, Forfeitures and Penalties imposed by this Act, shall and may be sued for and recovered in any of His Majesty's Courts of Record in this Island, and one moiety thereof shall be paid to the Person who shall inform and sue for the same, and the remaining moiety thereof shall be paid to Our Sovereign Lord the King His Heirs and Successors, for the general purposes of the Colony, as the Legislature of the Island shall or may from time to time direct.