LAWS OF THE PROVINCE OF UPPER CANADA,

HAP. XVII.

29

An ACT to extend the provisions of an all passed in the second Session of the sirst Provincial Parliament of Upper Canada, entitled " An Act to confirm and make valid certain Marriages, heretofore contracted in the Country now comprized within the province of Upper Canada, and to provide for the suture Solemnization of Marriage within the same."

I. WIHEREAS it hath been found expedient to extend the provisions of a certain act paffed in thirty-third year of his Majefty's reign, entitled " An at to confirm and make valid certain marriages heretolore contracted in the country-now comprized within the province of Upper Canada, and to provide for the future folemnization of marriage within the fame," Be it therefore enacted by the King's most excellent Majesty, by and with the advice and content of the Legiflative Council and Affembly of the province of Upper Canada, constituted and affembled by virtue of, and under the authority of an act paffed in the Parliament of Great Britain, entitled an act to repeal certain parts of an act paffed in the fourteenth year of his Majefty's reign, entitled " An act for making more effectual provision for the government of the province of Quebec in North America, and to make inther provision for the government of the faid province." and by the authority of the fame, That from and after the palling of this act. it thall and may be lawful to, and for the minifler or clergyman of any congregation or religious community of perions, profetting to be members of the Church of Scotland, or Lutherans, or Calvinifis, who fhall be authorized in manner hereafter directed, to celebrate the ceremony of Matrimony, according to the rites of fuch church or religious community, between any two perfons, 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 fix months before the faid marriage, any daw or usage to the contrato notwithstanding.

II. Provided neverthelefs, and be it enacted by the authority aforefaid; That no perfon shall be taken, or deemed to be a minisfer 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 also allowed in quarter-sessions, in the district in which he shall reside, when not less than fix magistrates besides the chairman, shall be present, and shall have then with him at least seven respectable persons, members of the congregation or religious community to which

## PASSED IN THE FIRST SESSION OF THE SECOND PARLIAMENT.

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 authorized to grant him a certificate under the Seal of the Court, and figned by the Chairman and Clerk of the Peace. (for which the faid Clerk of the Peace shall be entitled to demand and receive the sum of five shillings) certifying him to be the fettled 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 Seffions of the Peace, holin the County of den at the Town of day of District. on the in and for the year of our Lord, before A. B. (and fix others) Elquire, and in the others, Juffices of our Sovereign Lord the King, alligned to keep the Peace in the together with E. F. of faid Diffrict, &c. came C. D. of • (and fix others, whole names and descriptions must be inferted) members of zi - at in the (Congregation) or (Community) of ,: · in the faid Diffrict. And the faid E. F. &c. being County of duly examined, fatisfied the Court that the faid C. D. is the fettled (Minister) or (Clergyman) (of the faid Congregation) or (Community) and was regularly or dained, conflituted, and appointed thereto. متحققه والمعروب والمست المراجع

J. K. Clerk of the Peace.

III. Provided neverthelefs, That no fuch certificate finall be given by the faid court of quarter-feffions as aforefaid, unlefs the perfon applying for the fame fhall have given notice in writing, to the clerk of the peace, at, or before the general quarter feffions immediately preceding that on which he fhall apply for fuch certificate; which notice in writing, the faid clerk of the peace fhall read in open court, and fhall alfo fix up in fome confpicuous part of his office, within eight days after the fame fhall have been to read; for which fervice he, the faid clerk ! of the peace, fhall be entitled to demand and receive the fum of five fhillings and no more.

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IV. Provided alfo, and be it further enacted by the authority aforefaid, That no fuch minister or clergyman shall, at any time, celebrate the ceremony of Matrimony between any two perfons 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 fervice, 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

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the number of times for which he shall have made fuch declaration sespectively; or unless fuch minister or clergyman, shall have been duly authorized by licence, under the hand and seal of the Governor, Lieutenant-Governor, or person administering the government of the province, to celebrate the faid ceremony between the two persons therein named.

V. And be it further enacted by the authority aforefaid, That it shall, and may be lawful to, and for the parties thus married, or either of them, to demand of the faid minister, or clergyman, and he is hereby authorized and required to give the fame a certificate of fuch marriage, which may be in the following form, viz.

WHEREAS A. B. ofand C. D. ofwere defirous ofintermarrying with each other, and have applied to me for that purpole, their in-<br/>tention fo to do having been regularly proclaimed on three feveral Sundays, as is<br/>directed, or having prefented a licence, (as the cafe may be.) Now these are to<br/>certify, that I, E. F. minister of the community of<br/>at<br/>have this day married the faid A. B. and C. D. together, and they are become<br/>legally contracted to each other. As witness my hand at<br/>this<br/>day of<br/>In prefence of<br/>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 aforefaid act, passed in the thirty-third year of his Majesty's reign, entitled: An act to confirm and make valid certain marriages heretofore contracted in the country now comprized within the province of Upper-Canada, and to provide for the future folemnization of marriage within the fame."

VI. And be it further enaded by the authority aforefaid, That all marriages which may have been celebrated fince the paffing of the faid-act of the thirty-third year of his Majefty's reign, by any perfon who fhall obtain fuch certificate as aforefaid, between any two perfons, either of whom now is, or then was, a member of any of the faid congregations or communities above named, fhall be deemed good and valid, any law to the contrary notwithftanding.

(The Royal Affent to this Bill, was fignified by Proclamation, on the twenty-ninth day of December, in the thirty-ninth year of his Majefty's Reign, and in the year of our Lord one thousand seven hundred and eighty eight.) 31