

*Laws of His Majesty's Province of Upper Canada*, passed in the year 1831. York: Robert Stanton, 1831.

1 William IV – Chapter 1

**An Act to make valid certain Marriages heretofore contracted, and to provide for the future Solemnization of Matrimony in this Province. (The Royal Assent to this Bill was signified, by Message of His Excellency the Lieutenant Governor, to the Legislative Council and Assembly of this Province on the Second day of March, 1831.)**

Whereas doubts have arisen respecting the legality of certain Marriages heretofore Contracted and Solemnized in this Province; and whereas the Parties thereto, and their Issue, may be subject to disabilities unless such Marriages be confirmed by Law, in order therefore to afford relief to such persons, and establish the Legitimacy of their issue—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, entitled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign entitled, '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 the Marriage, or Marriages of all persons, not being under any canonical disqualification to contract matrimony, that have been publicly contracted in this Province before any Justice of the Peace, Magistrate, or Commanding Officer of a Post, or before any Minister, or Clergyman, before the passing of this Act, shall be, and are hereby confirmed, and shall be considered good and valid in Law; and the parties to such Marriages, and the Issue thereof, shall be entitled to all the rights, and subject to all the obligations, resulting from Marriage and consanguinity, any Law, usage or custom, to the contrary in anywise notwithstanding.

II. And to enable any person who may be desirous to preserve the evidence of their Marriage, and of the Birth of their Children, be it further enacted by the authority aforesaid, That it shall and may be lawful, at any time within Six years after the passing of this Act, for any Justice of the Peace, at the request of either of the parties, to administer the following Oath, or Affirmation, as the case may be, to the Husband and Wife, or either of them. "I A. B. do solemnly Swear, or Affirm, as the case may be, that I did publicly intermarry with C. D. at \_\_\_ on the \_\_\_ day of \_\_\_ in the year of our Lord \_\_\_ and that there is now \_\_\_ living Issue of the said Marriage, as the case may be, T. B. born on the \_\_\_ day of \_\_\_ M. B. born on the \_\_\_ day of \_\_\_ and that such Marriage was Solemnized by M. D. of the District of \_ " which form of attestation shall be subscribed by the party making the same, and certified under the Hand and Seal of the Justice administering the said Oath or Affirmation, who shall be entitled to receive therefor One Shilling; and it shall be the duty of the Clerk of the Peace, upon payment of the sum of Two Shillings and six pence, to enter and record such attestation, duly certified as aforesaid, in a Register, or Book, to be by him kept for that purpose, and such Register, or an attested copy thereof, shall be considered sufficient evidence of such Marriage and of the Birth of the said Children; and the said Clerk of the Peace is hereby required to give such copy duly certified to any person demanding the same upon

payment of Two Shillings. Provided always, that nothing in this Act contained shall extend, or be construed to extend, to make valid any Marriage illegally Solemnized, when the parties to such illegal Marriage, or either of them, shall have subsequently contracted Matrimony according to Law.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any Clergyman or Minister of any Church, Society, Congregation or Religious Community of persons, professing to be Members of the Church of Scotland, Lutherans, Presbyterians, Congregationalists, Baptists, Independants, Methodists, Menonists, Tunkers, or Moravians, who shall be authorised, in manner hereinafter mentioned, to Solemnize the ceremony of Marriage within this Province between any two persons, neither of whom is under any legal disqualification to contract Matrimony.

IV. Provided nevertheless, and be it further enacted by the authority aforesaid, That no person shall be taken or deemed to be a Clergyman or Minister of such Church, Society, 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 form of such Church, Society, Congregation or Religious Community, of which he professes to be a Clergyman or Minister, and unless he shall be a Subject of His Majesty, and shall appear before the Justices of the District in which he shall reside, in general Quarter Sessions assembled, and unless he shall produce proof of his ordination, constitution, or appointment as such Minister, and shall then and there take the Oath of Allegiance to His Majesty, which oath the said Court shall then and there administer, and thereupon, if it shall appear to the Majority of the Justices then present that he has been regularly ordained, constituted, or appointed as aforesaid, they are hereby authorised and required to grant him a Certificate under the Seal of the Court, and signed by the Chairman and the Clerk of the Peace, for which the said Clerk shall be entitled to receive the sum of Five Shillings, certifying him to be a Minister or Clergyman of such Church, Society, Congregation, or Religious Community, which Certificate may be in the following form:—

“Be it remembered, that at the General Quarter Sessions of the Peace, holden at \_ in and for \_\_\_ District, on the \_\_\_ day of \_\_\_ in the year of our Lord \_\_\_ before A. B. and others, Esquires, Justices of our Sovereign Lord the King, assigned to keep the Peace in the said District, came C. D. of \_\_\_ who professes to be a Minister or Clergyman of the Church, Society, Congregation or Religious Community, (as the case may be,) it appeared to a majority of the Justices that he the said C. D. was duly ordained, constituted or appointed, as the case may be, a Minister or Clergyman of the said Church, Society, Congregation or Religious Community.

E. F. Chairman.

G. H. Clerk of the Peace.”

V. 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 Marriage between any two persons as aforesaid, unless such their intention of Marriage shall have been declared openly and in an

audible voice in the Church, Chapel, Meeting-house, or place of Public Worship of such Congregation or Religious Community, on three several Sundays, either in some intermediate part of the Service, or immediately before it began, or immediately after it ended, together with the number of times the said declaration shall have respectively been made, 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.

VI. And be it further enacted by the authority aforesaid, That every Minister, or Clergyman, or Justice of the Peace who has been or shall be authorised to celebrate Marriage by virtue of this Act, or any other Act of this Province, shall, if required at the time by either of the Parties Married, by such Minister, Clergyman, or Justice of the Peace, give a Certificate under his hand of such Marriage, specifying in such Certificate the names of the Parties, the time, and the names of two or more Persons who witnessed such Marriage, and whether such Marriage has been Solemnized by Licence, or by Publication of Banns, and also once in every twelve months return a Certified list under his hand of all Marriages by him Solemnized within the said term of twelve months, or since his last preceding return, to the Clerk of the Peace in and for the District in which such Marriages shall have been respectively Solemnized, specifying in such list the names of the Parties so by him Married, the respective dates of such Marriages, and the names of two or more persons who witnessed each of said Marriages, and whether such Marriages respectively shall have been Solemnized by Licence or Publication of Banns, and such Minister, or Clergyman, or Justice of the Peace, shall, at the time of returning a Certified list as aforesaid, pay to the said Clerk of the Peace the sum of Two Shillings and Six Pence; and it shall thereupon be the duty of the said Clerk, to record the said Certified list in the Register, or Book required by Law to be kept by him, of the Registry of Certified Marriages of members of the Church of Scotland, Lutherans, Congregationalists, Baptists, Independants, Methodists, Menonists, Tunkers, Presbyterians, or Moravians; and such Register, or a certified copy thereof, shall be considered in case of the death or absence of the Witnesses to any Marriage, a sufficient evidence of the said Marriages; and the said Clerk of the Peace is hereby required to give such copy of the Registry of any of the said Marriages, duly certified, to any person demanding the same, upon the payment of Two Shillings; and if any such Minister, or Clergyman, or Justice of the Peace, shall refuse or neglect to return such certified list as aforesaid, he shall forfeit and pay the sum of Forty Pounds, to be recovered by action of Debt in His Majesty's Court of King's Bench, one moiety thereof to the use of the Informer, who shall sue for the same, and the other to be paid to the Receiver General of this Province, to and for the use of His Majesty, His Heirs and Successors, for the public uses of this Province, and the support of the Civil Government thereof, to be accounted for to His Majesty through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty shall direct.