

CAP. LVIII.

An Act to enable Ministers of the Evangelical Lutheran Church, in this Province, to solemnize Matrimony and to keep Registers of Marriages, Baptisms and Burials.

[Assented to 18th December, 1854.]

Preamble.

WHEREAS the Pastors and divers Members of the Religious Society or denomination of Christians called "The Evangelical Lutheran Church" have, by their petition to the Legislature, prayed that they may be authorized to keep in due form of law, Registers of all Baptisms, Marriages and Burials, which shall by such Ministers or Pastors respectively be performed, and it is expedient to grant the prayer of the said petitioners: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by authority of the same, as follows:

Certain powers vested in Ministers of the said persuasion in Upper Canada.

Act of Upper Canada 11 G. 4, c. 36.

I. In Upper Canada, all the powers, privileges and advantages by the Act of the Legislature of the late Province of Upper Canada, passed in the eleventh year of the Reign of His Majesty King George the Fourth, and intituled, *An Act to make valid certain Marriages heretofore contracted, and to provide for the future solemnization of Matrimony in this Province*, conferred upon or vested in any Clergyman or Minister of any of the several religious denominations mentioned in the third section of the said Act, shall be and the same are hereby conferred upon and vested in any Clergyman, Minister or Pastor of the said religious denomination called "The Evangelical Lutheran Church," as fully and effectually to all intents and purposes, and upon the same conditions and restrictions, as if the Evangelical Lutheran Church aforesaid had been among the number of the religious denominations mentioned in the said third section, and subject to all the penalties imposed by the said Act for any contravention of the provisions thereof.

Certain powers vested in such Ministers in Lower Canada.

II. In Lower Canada, it shall and may be lawful for any regularly ordained Minister or Pastor for the time being of any Congregation of the said Evangelical Lutheran Church, to have and keep registers of Baptisms, Marriages and Burials, subject always to the penalties of law in this behalf provided, according to the laws of Lower Canada; and the said registers, the necessary formalities as by law already provided in Lower Canada aforesaid, in relation to registers of like nature, being observed, shall to all intents and purposes have the same effect

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in law as if the same had been kept by any Minister or Clergyman in Lower Canada now authorized to keep registers, any law to the contrary notwithstanding; but no such Minister or Pastor shall be entitled to the benefit hereby granted, unless he shall have taken the oath of allegiance before a Judge of the Superior Court in the District in which he shall reside, which oath the said Judge is authorized and required to administer, and the same to certify in duplicate under his signature, whereof one copy shall be filed in the Office of the Prothonotary of the said Court, the cost of which filing shall not exceed five shillings, and the other copy shall remain in the possession of the said Minister; nor unless such Minister or Pastor shall, at the time of taking such oath, produce to the Judge the certificate of his ordination and of his call to become such Minister or Pastor by the said Congregation, or legally attested copies of such documents respectively; And provided also, that the registers which have been so kept, and the several entries therein, according to the laws of Lower Canada aforesaid, as well as authentic copies of such entries, shall, to all intents and purposes, be good and available in law, as if the said registers had been kept pursuant to any Act, Statute or Law of or in Lower Canada previous hereto, in relation to registers of births, baptisms or deaths; Provided further, that all and every the regulations and requirements of Acts, Statutes or Laws with respect to the registers therein mentioned, be also observed with respect to the registers to be kept pursuant to this Act.

Conditions to be complied with.

Proviso: Validity of Registers.

Proviso.

III. Provided always, That whenever the connection between any such Minister or Pastor and any Congregation shall cease, the duplicate of the registers kept by the said Minister or Pastor shall be the property of the said Congregation, and shall be deposited with the Trustees thereof, to be kept by the successor of such Minister or Pastor for the use of the said Congregation.

Provision when the Minister shall change his Congregation.

IV. The said Ministers or Pastors shall, in all respects, comply with and be governed by the Acts, Statutes and Laws at present in force, in the keeping of the said registers, and shall, in case of disobedience to the requirements thereof, be liable to the penalties in like cases thereby imposed, which penalties shall be recoverable, paid, applied and accounted for, in the same manner as the penalties imposed by them are therein directed to be paid, applied and accounted for.

Laws touching Registers to be observed.

V. This Act shall be deemed a Public Act.

Public Act.