

*Laws of Her Majesty's Province of United Canada*, passed in the year 1846. Montreal:  
Stewart Derbishire & George Desbarats, 1846.

9 Victoria – Chapter 54

**An Act to enable the Ministers of the Associate Presbyterian Synod of North America to keep Registers of Baptisms, Marriages and Burials performed by them, and for other purposes. 9th June, 1846.**

Whereas certain Protestant Inhabitants of this Province denominating themselves Members of the Church called The Associate Presbyterian Synod of North America, commonly known as "Seceders," have by their Petition to the Legislature, prayed that their present Ministers, and the persons who may hereafter succeed them as such, being duly ordained, and being subjects of Her Majesty, should be duly authorized to solemnize Marriages, administer Baptism, and inter the Dead, and to keep Registers authenticated in due form of law for that purpose, and that they may be empowered to purchase and hold lands for the purposes hereinafter mentioned; and whereas it is equitable that the prayer of their said Petition should be granted: 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 the authority of the same, That it shall be lawful for any regularly ordained Minister of the said Church or Synod, having a fixed and permanent Congregation of Protestant Christians, Members of such Church or Synod, to obtain, have and keep (subject to all penalties by law in this behalf provided) Registers duly authenticated according to law, of all such Marriages, Baptisms and Burials, as may be performed or take place under the ministry of such Minister; and such Registers (the necessary formalities as by law already provided in relation to Registers of like nature being observed) shall to all intents and purposes have the same effect in law, as if the same had been kept by any Minister authorized by law to keep such Register in that part of this Province called Lower Canada; any law to the contrary notwithstanding.

II. And be it enacted, that the Members of the said Church or Synod shall be entitled to all the privileges conferred upon divers Religious Societies of Christians by the Ordinance of the Governor and Special Council of the then Province of Lower Canada, passed in the second year of Her Majesty's Reign, and intituled, *An Ordinance to suspend an Act passed in the tenth and eleventh year of the Reign of His late Majesty George the Fourth, intituled, 'An Act for the relief of certain Religious Congregations herein mention,'* and to make other Legislative provision in the place thereof, with respect to the acquiring, holding and possessing of lands for the purposes in the said Act mentioned.

III. Provided always, and be it enacted, That no Minister of the said Church or Synod shall be entitled to the benefit of this Act unless he shall be a subject of Her Majesty and shall have taken the oath of allegiance to Her Majesty, Her Heirs or Successors, before a Judge of the Court of

Queen's Bench for the District in which he shall reside, (which oath such Judge is hereby authorized and required to administer;) and a certificate of the taking of such oath shall be made by the Prothonotary of such Court in duplicate, and signed by the Judge, and one copy of such certificate shall be filed of record in the office of such Prothonotary, and the other shall be delivered to the person taking such oath; and for such certificate and the duplicate thereof, and for filing the same, the Prothonotary shall be entitled to two shillings and six pence, currency, and no more; nor shall any such Minister be entitled to the benefit of this Act, unless he shall at the time of taking such oath as aforesaid, produce to the Judge who shall administer the same, the certificate of his ordination, and of the invitation or call to become their Minister by him received from his Congregation, and of his installation as such Minister, or legally attested copies of such documents, respectively; and all such documents shall be copied into each Register to be kept by such Minister under the authority of this Act, and the copies so made therein certified to be correct by the Prothonotary before such Register shall be authenticated by him or by any Judge of the Court; nor shall any such Minister be entitled to the benefit of this Act, unless he shall, at the time of taking the oath aforesaid, give security in the sum of one hundred pounds, currency, jointly and severally with two good and sufficient sureties, before and to the satisfaction of the Judge who shall administer such oath, that whenever he shall by death or otherwise cease to be the Minister of the Congregation with reference to which the Register shall be kept, each and every Register not previously deposited in the Prothonotary's Office in which it ought by law to be deposited, shall be so deposited within two months after he shall have ceased to be such Minister.

IV. Provided always, and be it enacted, That whenever the connection between any such Minister and his Congregation shall cease, the duplicate of the Register shall be the property of the said Congregation, and shall be deposited with the elders thereof to be kept by the successor of such Minister, for the use of the said Congregation.

V. And be it enacted, That the Registers which shall have been so kept, and the several entries made therein according to the laws in force in that part of this Province called Lower Canada, as well as authentic copies of the entries therein made, shall to all intents and purposes be good and available in law as if the said Register had been kept pursuant to the Act passed by the Legislature of the late Province of Lower Canada, in the thirty-fifth year of the Reign of His late Majesty George the Third, intituled, *An Act to establish the form of Registers of Baptisms, Marriages and Burials*, to confirm and make valid in law the Registers of the Protestant Congregation of Christ Church, Montreal, and others which may have been informally kept, and to afford the means of remedying omissions in former Registers: Provided always, that all and every the regulations and requirements of the said Act with respect to the Registers therein mentioned, be also observed with respect to the Registers to be kept pursuant to this Act.

VI. Provided always, and be it enacted, That the Ministers keeping Registers pursuant to this Act, shall in all respects comply with and be governed by the above recited Act, and shall in case of disobedience to the said Act be liable to the penalties in like cases provided by the said Act, which penalties shall also be recoverable, paid, applied, and accounted for in the same manner as the penalties by the said Act imposed are thereby directed to be recoverable, paid, applied and accounted for.

VII. And be it enacted, That nothing herein contained, shall affect or be construed to affect in any way whatsoever, the rights of Her Majesty, Her Heirs and Successors, or of any body politic or corporate, or of any person or persons, such only excepted as are herein mentioned.

VIII. And be it enacted, That this Act shall have force and effect in that part of the Province of Canada, only, heretofore called Lower Canada.

IX. And be it enacted, That this Act shall be taken and deemed to be a Public Act, and as such shall be judicially taken notice of by all Judges, Justices of the Peace, and all others whom it shall concern without being specially pleaded.