ANNO QUINTO

GEORGII IV. REGIS.

****

C A P. LXVIII.

An Act to repeal an Act passed in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *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. [17th *June* 1824.]

WHEREAS it is expedient that an Act made in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *Act to regulate the Celebration of Marriages in* Newfoundland, should be repealed, and that further and more effectual Provision should be made for the Celebration of Marriages in *Newfoundland;* be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty-fifth Day of *March*, in the Year One thousand eight hundred and twenty-five, the said recited Act of the Fifty-seventh Year of the Reign of His said late Majesty shall be and the same is hereby repealed: Provided always, that all Marriages which have taken place at any Time before the passing of this Act in *Newfoundland*, and which have not been declared and adjudged to be void or invalid by any Court of competent Jurisdiction, and all Marriages which shall take place in *Newfoundland* previously to the Twenty-fifth Day of *March* in the Year One thousand eight hundred and twenty-five, shall be and the same are hereby declared to be as good and valid as if the said recited Act had not been passed or made; any thing in the said recited Act to the contrary in anywise notwithstanding.

57 G.3. c.51.

repealed.

Marriages that have taken place, not adjudged to be void, declared to be valid.

Marriages hereafter to be celebrated by Persons in Orders, except, &c.

II. And be it further enacted, That all Marriages which may hereafter be had in *Newfoundland* shall be celebrated by Persons in Holy Orders, except in the Cases herein-after specially excepted and provided for.

Power to Secretary of State or Governor, &c. to grant Licences to Persons employed in the Duties of a Teacher or Preacher of Religion to celebrate Marriages within the Colony.

III. And whereas by reason of the great Extent of the said Island of *Newfoundland*, and the Want of internal Communication between the different Parts of the said Island during the greater Part of the Year, Difficulties have arisen with respect to the Solemnization of Marriages in various Settlements and Stations there; and it is expedient that temporary Provision be made for the legal Solemnization of Marriages in such Settlements or Stations as aforesaid; be it therefore enacted, That it shall and may be lawful for One of His Majesty's Principal Secretaries of State, or for the Governor or Acting Governor for the Time being of the Colony of *Newfoundland*, to grant Licences or a Licence to celebrate Marriages within the said Colony or its Dependencies, to any Person or Persons who shall employ themselves or himself solely in the Duties of a Teacher or Preacher of Religion in the said Colony, and who shall not follow or engage in any Trade or Business, or other Profession, Occupation, or Employment, for their or his Livelihood, except that of a Schoolmaster: Provided always, that no such Licence as aforesaid shall be granted to any such Persons or Person as aforesaid, unless they or he shall first have taken the Oath and subscribed the Declaration specified in an Act passed in the Fifty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to repeal certain Acts and amend other Acts relating to Religious Worship and Assemblies, and Persons teaching or preaching therein*, and shall have produced a Certificate thereof to His Majesty's said Principal Secretary of State, or to the Governor or Acting Governor of *Newfoundland*, as the Case may be; or unless such Persons or Person shall take the said Oath and subscribe the said Declaration before the Governor or Acting Governor of the said Colony, who is hereby authorized and required to administer such Oath and to tender such Declaration to the Persons or Person requiring to take and make and subscribe the same.

Such Persons to take the Oath prescribed by 52G.3.c.155.

Such Licensed Persons empowered to celebrate Marriages in Cases where the Woman could not repair without Inconvenience to some Established Church or Chapel. Penalty if they celebrate Marriage

IV. And be it further enacted, That it shall and may be lawful for any Person, to whom any such Licence as aforesaid shall be granted in Manner aforesaid, to celebrate Marriages between any Persons resident in the said Colony of *Newfoundland* or its Dependencies, in any Case where, by reason of the Difficulty of the internal Communication between different Parts of the said Colony or its Dependencies, the Woman about to be married could not, without Inconvenience, repair from her ordinary Place of Abode, for the Purpose of contracting such Marriage, to some Church or Chapel of or belonging to the Established Church of *England* wherein Divine Service is regularly performed; and if any such Person as aforesaid shall celebrate any Marriage by virtue of any such Licence as aforesaid, in any Case wherein such Inconvenience as aforesaid shall not exist, the Person so offending shall incur and become liable to the Payment of a Fine not less than Ten Pounds, nor more than Fifty Pounds *British* Sterling Money, and shall forfeit and be deprived

of such his Licence: Provided nevertheless, that every Marriage actually celebrated within the said Colony or its Dependencies by any Person having any such Licence as aforesaid, shall be good and valid to all Intents and Purposes, and shall not be rendered invalid by reason of any such Illegality as aforesaid on the Part of the Person celebrating the same.

where such Case does not exist.

Marriage valid notwithstanding.

V. And be it further enacted, That no such Person to whom any such Licence may be so granted as aforesaid shall celebrate or perform Marriage between any Persons in *Newfoundland*, except in the Presence of Two credible Witnesses; and if any such Person shall celebrate or perform any Marriage between any Persons in *Newfoundland*, except in the Presence of Two credible Witnesses, he shall incur and become liable to the Payment of a Fine not less than Ten Pounds nor more than Fifty Pounds *British* Sterling Money; but the Want of such Witnesses shall not invalidate the Marriage.

Such Marriages to be in Presence of Two Witnesses.

Penalty.

VI. And be it further enacted, That every Person by whom any Marriage shall be celebrated or performed in *Newfoundland* at any Time after the Twenty-fifth Day of *March* in the Year One thousand eight hundred and twenty-five, shall, under the Penalty of Five Pounds *British* Sterling Money, within Twelve Calendar Months next following such Marriage, deliver or cause to be delivered to the Secretary of the Governor or Acting Governor of the said Island, or to the Incumbent or Officiating Minister of some Church or Chapel of the Established Church of *England*, in the Towns of *Saint John's Harbour*, *Grace* in *Conception Bay*, or *Trinity Harbour* in *Trinity Bay*, in the said Island, a Certificate thereof in Writing, subscribed with his own Name, and with the Names or Marks of the Parties married, together with the Names of Two credible Witnesses present at such Marriages; and every such Certificate shall be made in Form following; (that is to say),

Certificate of Marriages celebrated by licensed Persons to be delivered to the Minister of some Established Church in the Towns herein mentioned within 12 Months on Penalty of 5*l*.

Form of Certificate.

' Marriage solemnized at in the Island of
' *Newfoundland*:

' THIS is to certify, That *A. B.* [*the Man married*] of ,
' and *C. D.* [*the Woman married*] of , were married at
' this in the Year of our Lord , by me,

E. F.

[*Clergyman in Holy Orders*, or *Preacher licensed to celebrate Marriages.*]

' This Marriage was solemnized between us, { *A. B.* and *C. D.* }

' In the Presence of us, { *G. H.* of *I. K.* of } Witnesses present at the said Marriage.'

VII. And be it further enacted, That whenever any such Certificate of Marriage as aforesaid shall be delivered to the Secretary of the Governor, or to the Incumbent or Officiating Minister of any such Church or Chapel of the Established Church of *England* as aforesaid, he

Such Certificates to be entered in the Register Book of Marriages.

he shall, within Seven Days next after the Receipt of every such Certificate, and upon the 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 the said Secretary, or at such Church or Chapel of the Established Church of *England* as aforesaid, and shall be open to the Inspection of any Person or Persons requiring to consult or examine the same, at all convenient Hours; and the said Secretary, or the said Incumbent or Officiating Minister shall make and deliver to any and every Person who shall demand the same, a true Copy of any Entry contained in the said public Book or Register of Marriages, attested by him, in the Form following; (that is to say),

A Copy of the Entry to be given.

'A true Copy, extracted from the Public Register of Marriages
'of the Secretary's Office, *or* of the Church or Chapel of
'in *Newfoundland*, by me,

'*K. L.* Government Secretary, *or* Incumbent, *or*
'Officiating Minister of such Church or Chapel.'

And the said Government Secretary, or the said Incumbent or Officiating Minister of such Church or Chapel, shall carefully preserve and file all the original Certificates of Marriage, so that Reference may be had to the same in like Manner as to the said Register.

Book of Register or attested Copy to be Evidence.

VIII. And be it further enacted, That any such public Book or Register of Marriages in *Newfoundland*, or such attested Copy as aforesaid of any Entry in any such public Book or Register of Marriages, the Handwriting of the said Government Secretary, or 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*, 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 such Book or Register, or of such attested Copy, and Proof as aforesaid, be deemed and taken to have been duly performed and celebrated.

Not to extend to the Marriages of Quakers, &c.

IX. Provided always, and be it enacted, That nothing in this Act contained relating to Marriages in *Newfoundland* shall extend to any Marriages amongst the People called *Quakers*, or amongst the Persons professing the *Jewish* Religion, where both the Parties to any such Marriage shall be of the People called *Quakers* or Persons professing the *Jewish* Religion respectively.

Continuance of Act.

X. And be it further enacted, That this Act shall continue and be in force for Five Years from the passing thereof, and no longer.

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