

of Scotland, or Lutherans, or Calvinists, who shall be authorised in manner hereafter directed, to celebrate the ceremony of matrimony, according to the rights of such church or religious community, between any two persons, 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 six months before the said marriage, any law or usage to the contrary notwithstanding.

"II. *Provided nevertheless, and be it enacted by the authority aforesaid*, That no person shall be taken, or deemed to be a minister 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 rights and forms of such congregation or religious community, and unless he shall have appeared, or come before the Justices of the Peace assembled in Quarter Sessions, in the District in which he shall reside, when not less than six Magistrates, besides the Chairman, shall be present, and shall have there with him at least seven respectable persons, members of the congregation or religious community to which 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 authorised to grant him a certificate under the Seal of the Court, and signed by the Chairman and Clerk of the Peace, (for which the said Clerk of the Peace shall be entitled to demand and receive the sum of five shillings) certifying him to be the settled minister or clergyman of such congregation or religious community, which certificate shall be in the following form:—(Omitted.)

"III. *Provided, nevertheless*, That no such certificate shall be given by the said Court of Quarter Sessions as aforesaid, unless the person applying for the same shall have given notice in writing, to the Clerk of the Peace, at or before the General Quarter Sessions immediately preceding that on which he shall apply for such certificate; which notice in writing the said Clerk of the Peace shall read in open Court, and shall also fix up in some conspicuous part of his office, within eight days after the same shall have been so read; for which service he, the said Clerk of the Peace, shall be entitled to demand and receive the sum of five shillings, and no more."

Another Act was passed the 27th of November 1818, which was merely designed to enable those who had neglected to preserve the testimony of their marriage solemnized previous to 1793, and declared valid by the Act of that year, "to effectuate the same."

The next Act of legislation on this question was in 1830. We quote the clauses of this Act which have a bearing upon the object of this review of the question.

"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, Independent 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 hereupon, 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:—(Omitted.)

There are some important circumstances connected with this Act becoming law. It was passed in March 1830, and the Royal Assent to the Bill was signified, by Message of the Lieutenant Governor, to the Legislature of the Province, on the 2d of March, 1831, about a year after it was passed. The following is the clause of the Act of 1847, which relates to the question under consideration, and as the registration clause of the Act of 1830 is still in force; we quote that here also for convenience. After the preamble, it says:—

"That all the powers, privileges and advantages by the Act first above cited 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 or Minister of any Religious Denomination of Christians whatever, as fully and effectually to all intents and purposes, and on the same conditions and restrictions, and subject to all the penalties imposed by the said Act for any contravention of the provisions thereof, as if such Religious Denomination of Christians had been among the number of Religious Denominations mentioned in the said third Section.

"II. *And be it enacted*, That no Clergyman or Minister of any of the several Religious Denominations mentioned in the third Section of the said recited Act, or of those to whom this Act refers, shall be entitled to the benefit of either of said Acts unless he be a subject of Her Majesty, and shall have taken the oath or affirmation of allegiance before the Registrar of the County in which he shall officiate as such Clergyman or Minister, which oath or affirmation, the said Registrar is hereby authorized and required to administer, and unless he shall also at the time of taking such oath or affirmation as aforesaid, produce to such Registrar evidence of his being a recognized Clergyman or Minister of the Religious Denomination to which he professes to belong, which evidence shall consist of a Certificate from the Bishop, Moderator of Presbytery, Clerk of Conference, Church-wardens, Trustees or Managers, as the case may be, of the body to which such Clergyman or Minister may belong, that he is a recognized