

the object to be effected by the *two kinds* of Licenses is precisely the same; but they were used in Countries differing as widely in Religious Customs and Institutions, as they did in those peculiarities of situation, which in America, necessarily rendered Marriage only the more formal of their Civil Contracts.

The Terms used in the *first* and *third* Sections of the Provincial Act, first cited, with respect to the license, confirm the opinion that those Licenses were directed to the *Parties only*, and not to any *particular Clergyman*; nor can the Committee conceive it to be other than a most forced construction which limits the words "*Minister*" and "*Clergyman*," used in various parts of the Laws cited to the Clergy of the Church of England: For the same term, *Minister* is used as applied to the Protestant Dissenting Clergy, in a previous Act of the same Session, which produced the Law relating to Marriage and *those Ministers* are always considered to be *licensed*, by a regular ordination, to the services of the Gospel

If these impressions as to the License System in this Province, and the Laws relating to Marriages, be just, it will follow:—That under the present Laws of the Province, all parties desirous of Intermarrying, are *entitled* to have a License therefor granted to *them* by the Governor for the time being,—and to have the Ceremony performed by *whatsoever Minister or Clergyman* of the *Established or Dissenting Churches*, they think *proper to apply to*.

It is a further consequence of this opinion, that the just and legal rights of the Dissenting Population of this Province, have been infringed by the refusal to grant to them Licenses for Marriage, in the shape which the Law prescribes; and by the inserting in such as have been granted, a *direction to a Minister* of the *Church of England*, and a *condition* for using the forms and ritual of the Establishment.

An Act was passed in 1819, for authorising the issue of Licenses in a particular form, and for the Solemnization of Marriages by Dissenting Clergymen. This Act having been disallowed by His Majesty, the Committee have examined the Report under which it was so disallowed, and are convinced that the Act of 1758, was in that decision entirely overlooked; and that *what was in fact but a Declaration of the Existing Law*, was *mistaken* for a plan to create a *great change in it*.—As however, the Special Circumstances alluded to in the Report of the Committee of the Privy Council seem to be now present—as the same Law has been since passed by the Assembly, and rested in the Upper Branch—and as the Claim of Right is again re-echoed from every part of the Dissenting Population—it is to be presumed a more favourable reception will now be given to the request of the Assembly in this matter.