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No. 288.

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4th Session, 3d Parliament, 14 & 15 Vict., 1851.

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## **E I L L.**

**An Act to remove Impediments in the  
way of early Marriages.**

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Received and read a first time, Thursday, 7th  
August, 1851.

Second reading, Monday, 11th August, 1851.

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**Mr. MACKENZIE.**

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**TORONTO : PRINTED BY LOVELL AND GIBSON.**

1767

**BILL.**

An Act to lessen the expense of Solemnizing Marriage by License.

**W**HEREAS it is in accordance with the dictates of Preamble.  
sound policy, to encourage early Marriages in a  
thinly populated country, by lessening the expense of  
obtaining Marriage Licenses: and whereas it is expedient  
5 to relieve the Governor from the trouble of granting and  
signing such Licenses, and to authorize certain County  
and City Officers to grant and sign them: Be it therefore  
enacted, &c ,

That after the passing of this Act, the Governor shall not  
10 have the power to grant licenses for the solemnization  
of Marriage ; but the authority now vested in the Governor  
to grant such licenses shall henceforth be given to and  
conferred upon the Register of any County and the Mayor  
of any City, who are hereby severally authorized and em-  
15 powered to grant licenses for the public solemnization  
of marriage, without publication of banns, by any person  
legally qualified to solemnize and perform the ceremony  
or rite of marriage, within the limits of their respective  
jurisdictions.

By whom Li-  
censes shall  
be granted in  
future.

20 **II.** Every license to solemnize marriage shall state  
the name and place of abode of each of the contracting  
parties, and be signed by the County Register (or Mayor  
as the case may be,) who shall also affix thereto his office  
seal ; and all such licenses shall be in the following form  
25 of words :

Form of Li-  
cense fixed.

**PROVINCE OF CANADA.**

The Form.

License for the solemnization of Marriage, by A. B.,  
Esquire, Registrar of the County of \_\_\_\_\_, in the  
Province of Canada :

30 " Whereas C. D. of \_\_\_\_\_ and E. F. of \_\_\_\_\_  
are determined to enter into the holy bands of Matri-  
mony, and are desirous of having their Marriage publicly  
solemnized, in order that such their honest desires may  
the more speedily have the due effect, and that they may  
be able to procure the same to be lawfully solemnized  
35 without publication of Banns, I do hereby, for good causes,  
give and grant this license of Faculty, as well to them the  
said parties contracting, as to all or every person or mi-  
nister duly ordained and lawfully exercising his ministry  
within the County (or City) of \_\_\_\_\_ to solemn-

nize and perform the same: Provided always, that by reason of any affinity, consanguinity, pre-contract, or any other lawful cause, there be no legal impediment in this behalf; otherwise, if any fraud shall appear to have been committed, at the time of granting this license, either by 5 false suggestions or concealment of the truth, that then this License shall be null and void, to all intents and purposes whatsoever.

Given under my hand and office seal, at this day of in the year 10 of our Lord one thousand eight hundred and fifty and of her Majesty's Reign the

(Register's Signature.) [Seal.]

Bond to be given before a License shall issue:

III. And be it enacted, That before granting a license for the solemnization of marriage, in any case under the 15 authority of this Act, the County Register, (or Mayor) shall require two reputable freeholders, or householders, resident in his County, (or City,) to come before him and state that they are personally acquainted with the con- 20 tracting parties, and know of no lawful impediment to their marriage: such freeholders or householders, being in the opinion of such Register (or Mayor) good sureties, shall then be required to enter into a bond to the Queen in the penal sum of , that there is no lawful 25 cause or impediment to hinder the contracting parties from being married, which bond or obligation shall be fyled by the Register (or Mayor) as a record of his office, and be in the following form of words:

Form of Bond. " PROVINCE OF CANADA.

30

KNOW ALL MEN by these presents, that we, are jointly and severally held and firmly bound unto our Sovereign Liege Lady the Queen, in the sum of Pounds, lawful currency of the Province aforesaid, to be 35 paid unto our said Liege Lady the Queen, or Her Heirs or Successors; for which payment well and truly to be made, We bind ourselves, our and each of our Heirs, Executors, and Administrators, jointly and severally, firmly by these Presents, sealed with our Seals, at 40 in the and Province aforesaid, this day of in the year of Our Lord, one thousand eight hundred and fifty

The condition of this obligation is such, that whereas a 45 License of Marriage has this day been obtained for the purpose of joining together in Holy Matrimony C. D. of and E. F. of

Now if it shall appear that there is no affinity, consanguinity, pre-contract, or any other lawful cause or 50

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impediment, to hinder their being so joined together, as  
aforesaid, then this obligation to be null and void, other-  
wise to remain in full force and virtue.

[*seal*]

[*seal*]

§ Taken and acknowledged be- }  
fore me, this }  
day of 18 . }  
(*Signature of Register.*)" }

IV. And be it enacted, That the Register (or Mayor,) <sup>Fee for</sup>  
10 shall be entitled to receive from the contracting parties, <sup>Licence.</sup>  
for his own use, a fee of *five shillings*, for every Marriage  
License he may grant; the said fee to include all services  
required from him relative to such license.