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No. 153.

2nd Session, 6th Parliament, 22 Victoria, 1859.

BILL.

An Act to amend the Act 20 Vict., chap.
66, relating to the solemnization of Matrimony in Upper Canada.

Received and read, first time, Monday, 14th
March, 1859.

Second reading, Wednesday, 16th March, 1859.

MR. FELLOWES.

TORONTO :

PRINTED BY JOHN LOVELL, YONGE STREET.

An Act to amend and explain the Act passed in the twentieth year of Her Majesty's Reign, chaptered sixty-six, relating to Marriages in Upper Canada.

WHEREAS by the Act passed in the twentieth year of the Reign of Her Majesty Queen Victoria, chaptered sixty-six, all Ministers and Clergymen of every religious denomination in Upper Canada, duly ordained or appointed according to the rites and ceremonies of the Church or denomination to which they respectively belong, and residing in Upper Canada, have the right to solemnize Matrimony, and Marriages solemnized by any of such Clergymen or Ministers are, by the said Act made lawful, without requiring them to comply with the formalities required by either the Act of Upper Canada passed in the eleventh year of the Reign of his late Majesty George the fourth, chaptered thirty-six, or the Act of Canada passed in the eleventh year of the reign of Her present Majesty, chaptered eighteen;—And whereas, before the passing of the Act first above mentioned, and after the passing of the two Acts secondly and thirdly above mentioned, many marriages were solemnized in Upper Canada by some Clergymen or Ministers of such religious denominations, who, from ignorance of the law, had not complied with the requirements of either of the said Acts secondly and thirdly above mentioned, and it is desirable that such marriages should be legalized and placed on the same footing with marriages solemnized after the passing of the said first mentioned Act; Therefore Her Majesty, &c., enacts as follows :

Preamble.

29 V. c. 66.

11 G. 4 c. 36.

11 V. c. 18.

I. All marriages of all persons (not being under any canonical disqualification to contract matrimony) which had been publicly contracted or solemnized in Upper Canada before any such Clergyman or Minister of any religious denomination in Upper Canada before the passing of the Act in the preamble first above mentioned and after the passing of either of the Acts in the preamble secondly and thirdly above mentioned, are hereby declared to have been valid, and shall be considered, taken and held to be good and valid, notwithstanding that the Clergyman who may have solemnized any such marriage, at the time of solemnizing any such marriage, may not have complied with the requirements of either of the said Acts secondly and thirdly mentioned in the said preamble, and may not have taken out the certificate either from the Court of General Quarter Sessions of the Peace or the Register of the County respectively mentioned in and required by said Acts: and the parties to such marriages and the issue thereof shall be entitled to all the rights and subject to all the obligations resulting from such marriages and the consanguinity arising therefrom, any law

Marriages solemnized between the passing of the Acts 11 G. 4 c. 36,—11 V. c. 18—and the Act 20 V. c. 66, declared valid notwithstanding certain informalities.

Proviso. or usage or custom to the contrary in any wise notwithstanding; Provided always, that nothing in this Act shall extend to make valid any marriage illegally solemnized, when the parties to any such illegal marriage, or either of them, have subsequently contracted matrimony with any other person according to law. 5

Marriages under certain repealed Acts to be valid notwithstanding repeal. II. Notwithstanding the repeal of any Act or Acts by the said Act passed in the twentieth year of Her present Majesty's Reign, chaptered sixty-six, whereby any marriages were legalized or declared to have been legal, the said marriages are hereby declared to have been and to continue to be legal to all intents and purposes as if the said Act or 10 Acts had not been repealed.