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No. 66.

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1st session, 5th Parliament, 18 Victoria, 1864.

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(PRIVATE BILL.)

**BILL.**

An Act to enable Ministers of the  
Evangelical Lutheran Church, in this  
Province, to solemnize Matrimony  
therein.

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Received and Read first time, Thursday, 23th  
September, 1864.

Second Reading, Monday, 9th October, 1864.

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MR. WRIGHT.

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QUEBEC:

PRINTED BY JOHN LOVELL, MOUNTAIN STREET,

(66)

An Act to enable Ministers of the Evangelical Lutheran Church, in this Province, to solemnize Matrimony and to keep Registers of Marriages and Burials.

**W**HEREAS the Pastors and divers Members of the Religious Society or denomination of Christians called "The Evangelical Lutheran Church," have, by their Petition to the Legislature, prayed that they may be authorised to keep in due form of law registers of all baptisms, marriages and burials, which shall by such Ministers or Pastors respectively be performed, and it is expedient to grant the prayer of the said Petitioners: Be it therefore enacted, &c., as follows:

Preamble.

I. In Upper Canada all the powers, privileges and advantages by the Act of the Legislature of the late Province of Upper Canada, passed in the eleventh year of the Reign of His Majesty King George the Fourth, and intituled "An Act to make valid certain Marriages heretofore contracted, and to provide for the future solemnization of Matrimony in this Province," 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, Minister, or Pastor of the said religious denomination called "The Evangelical Lutheran Church," as fully and effectually to all intents and purposes, and upon the same conditions and restrictions, as if the Evangelical Lutheran Church aforesaid had been among the number of the religious denominations mentioned in the said third section, and subject to all the penalties imposed by the said Act for any contravention of the provisions thereof.

In Upper Canada privileges of Act of Upper Canada 11 Geo 4. c. 36 extended to Evangelical Lutheran Church.

II. In Lower Canada, it shall and may be lawful for any regularly ordained Minister or Pastor for the time being of the said congregation, to have and keep registers of baptisms, marriages and burials, subject always to the penalties of law in this behalf provided, according to the laws of Lower Canada; and the said registers, the necessary formalities as by law already provided in Lower Canada aforesaid, in relation to registers of like nature being observed, shall to all intents and purposes have the same effect in law as if the same had been kept by any Minister or clergyman in Lower Canada, any law to the contrary notwithstanding; but no such Minister or Pastor shall be entitled to the benefit hereby granted, unless he shall have taken the oath of allegiance, before a Judge of the Superior Court in the District in which he shall reside, which oath the said Judge is authorised and required to administer, and the same to certify in duplicate under his signature, whereof one copy shall be filed in the Office of the Prothonotary of the said Court, the cost of which filing shall not exceed five shillings, and the other copy shall remain in the possession of the said Minister; nor unless such Minister or Pastor shall at the time of taking such oath produce to the Judge the certificate of his ordination and of his call to become such Minister or Pastor by the said Congregation, or legally attested copies

In Lower Canada, certain provisions made with regard to the keeping of registers of baptisms, marriages and burials by pastors of the said Church.

*Proviso.* of such documents respectively : And provided also that the registers which have been so kept, and the several entries therein, according to the laws of Lower Canada aforesaid, as well as authentic copies of such entries, shall, to all intents and purposes, be good and available in law as if the said registers had been kept pursuant to any Act, Statute, or Law of or in Lower Canada previous hereto, in relation to registers of births, baptisms, or deaths : Provided further, that all and every the regulations and requirements of Acts, Statutes, or Laws with respect to the registers therein mentioned, be also observed with respect to the registers to be kept pursuant to this Act. 5 10

*Duplicate register to become property of congregation when their connection with pastor ceases.* III. Provided always, That whenever the connection between any such Minister or Pastor and the said Congregation shall cease, the duplicate of the registers kept by the said Ministers or Pastors shall be the property of the said Congregation, and shall be deposited with the Trustees thereof, to be kept by the successor of such Minister or Pastor for the use of the said Congregation. 15

*Laws to be complied with in keeping of Registers.* IV. The said Ministers or Pastors shall in all respects comply with and be governed by the Acts, Statutes, and Laws at present in force, in the keeping of the said registers. and shall in case of disobedience to the requirements thereof be liable to the penalties in like cases therein imposed, which penalties shall be recoverable, paid, applied, and accounted for in the same manner as the penalties imposed by them are therein directed to be paid, applied and accounted for. 20