

## No. XIV.

CONGREGATIONAL &c. MARRIAGES CONFIRMED.

**An Act to remove doubts as to the validity of certain Marriages had and solemnized within the Colony of New South Wales by Ministers of the Congregational or Independent and Baptist Denominations and to regulate the Registration of certain Marriages Births or Baptisms and Burials. [23rd September, 1840.]**

Preamble. **W**HEREAS doubts may hereafter arise concerning the validity of marriages which have been had and solemnized within the Colony of New South Wales by Ministers of the Congregational or Independent and Baptist Denominations and whereas it is expedient that such doubts should be quieted and that the Law respecting such marriages should be declared for the future Be it therefore declared and enacted by His Excellency the Governor of New South Wales with

Marriages solemnized by Congregational or Independent and

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with the advice of the Legislative Council thereof That all marriages before the passing and publication of this Act had and solemnized by ordained or officiating Ministers of the Congregational or Independent and Baptist Denominations shall be and shall be adjudged esteemed and taken to have been of the same force and effect in law as and no other than if such marriages had been had and solemnized by Clergymen of the Church of England Presbyterian Ministers Roman Catholic Priests or Ministers of the Wesleyan Methodist Society according to the rites and ceremonies of their respective churches.

2. And be it enacted That from and after the passing and publication of this Act all marriages between persons both or one of such persons being members or a member of or holding communication with the Congregational or Independent or Baptist Denominations and making a declaration to the effect hereinafter mentioned which marriages shall be had and solemnized within the said Colony by an ordained or officiating Minister of the Congregational or Independent Denomination or by an ordained or officiating Minister of the Baptist Denomination shall be and shall be adjudged esteemed and taken to be of the same force and effect in law as and no other than if such marriage were had and solemnized by Clergymen of the Church of England Presbyterian Ministers Roman Catholic Priests or Ministers of the Wesleyan Methodist Society according to the rites and ceremonies of their respective churches Provided always that the names of the respective Ministers who shall celebrate such marriages as well as the churches in which they shall respectively officiate shall have been duly registered in manner hereinafter prescribed Provided further that from and after the passing of this Act no marriage shall be had and solemnized as aforesaid until both or one of the persons to be married shall have signed a declaration in writing in duplicate stating that they or he or she (as the case may be) are or is members or a member of or hold communion with the Congregational or Independent or Baptist Denominations according to the form hereunto annexed and marked with the letter A and the Minister by whom any such marriage as aforesaid shall be solemnized shall immediately upon the solemnization thereof certify such marriage by a writing under his hand in duplicate subjoined to or indorsed upon the declaration in duplicate hereinbefore mentioned specifying in such certificate the names and descriptions of the parties between whom and of the witnesses in whose presence the said marriage has been had and solemnized and the time and place of the celebration of the same according to the form hereunto annexed and marked with the letter B and such certificate in duplicate shall be also signed forthwith by the parties entering into such marriage and by the witnesses to the same according to the said last mentioned form and the Minister officiating shall deliver one duplicate of such declaration and certificate to the persons married or to one of them and shall transmit the other duplicate of such declaration and certificate to the Registrar of the Supreme Court.

3. And whereas in respect to the said Congregational or Independent and Baptist Denominations there is not in the said Colony any established form of church government nor any ecclesiastical authority to which in case of doubt reference can be made as to the right of any individual to assume the character of a Minister of either of the said denominations and whereas it is necessary to provide the means of ascertaining what persons shall for the purposes of this Act be considered Ministers of such Independent and Baptist Denominations Be it therefore enacted That no person professing to be a Minister either of the Independent or Baptist Denominations shall be allowed to celebrate marriages under this Act unless his name and the name

Baptist Ministers before the passing of this Act to be of full force.

Persons being members of the Congregational or Independent and Baptist Denominations to make declaration thereof whereupon marriages shall be of full force.

Provided Minister's name and the church or chapel be duly registered.

Independent or Baptist Ministers not to celebrate marriages unless their names and the churches or chapels in which they officiate be duly registered.

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name and description of the church or chapel of which he professes to be the Minister be registered in the office of the Registrar of the Supreme Court of the said Colony together with a declaration signed by the trustees of such church or chapel or if there be no trustees by the deacons of the same to the effect that the person whose name shall be so registered is the ordained and officiating Minister of such church or chapel and that such Minister is not engaged in any secular pursuit except the education of youth and further that the said church or chapel is not used for any purpose but the worship of God or the education of youth.

On the death departure from the Colony or cessation of the Ministry of any Independent or Baptist Minister the fact shall be registered within ninety days after the occurrence thereof.

Penalty on Independent or Baptist Ministers celebrating marriages without such registry.

Certificates of births or baptisms and burials to be transmitted to Registrar of Supreme Court within one calendar month under penalty of ten pounds.

Such certificates to be safely kept by Registrar and alphabetical list of them to be made.

Recovery and appropriation of penalties.

4. And be it enacted That whenever any Minister whose name shall have been so registered as aforesaid shall die or depart from the said Colony or cease to be Minister of such registered church or chapel as aforesaid the fact of such death departure or cessation of Ministry shall within ninety days thereafter be registered in like manner by the said trustees or deacons in the office of the Registrar of the said Supreme Court or in default thereof such trustees or deacons if there be no trustees shall on conviction before any two or more Justices of the Peace forfeit and pay a penalty or sum of one hundred pounds.

5. And be it enacted That from and after the first day of January next if any person professing to be an Independent or a Baptist Minister whose name shall not have been so registered as aforesaid or if any person whose name shall have been so registered but who subsequently shall have ceased to be a Minister of the church or chapel for which he shall so have been registered shall celebrate any marriage within the limits of the said Colony or its Dependencies such person shall on conviction before any two or more Justices of the Peace forfeit and pay for every such offence a penalty or sum of one hundred pounds.

6. And be it enacted That a certificate of every birth or baptism or burial solemnized recorded or performed by any ordained or officiating Minister of the Congregational or Independent and Baptist Denominations shall be transmitted by the Minister officiating to the Registrar of the Supreme Court within one calendar month after the solemnization or performance of any such ceremony under a penalty of ten pounds.

7. And be it enacted That as often as any such duplicates and certificates of marriages and certificates of births or baptisms and burials are transmitted to the Registrar of the Supreme Court as hereinbefore directed the same shall be by him safely kept from damage and be so arranged as that they shall be of easy reference when required and one general alphabetical list shall be made in books to be kept for such purpose of the names of all persons and places therein respectively which with the said duplicates and certificates as aforesaid shall be open to public search at all reasonable times on payment of one shilling for each name searched for by the party or parties searching who shall state at the time of such search the name or names of the person or persons sought for and certified copies of such duplicates and certificates respectively shall be received and taken in all Courts of Law and Equity within the said Colony as evidence of the marriage baptism birth or burial of the parties respectively named therein and for every such copy aforesaid a sum of one shilling and no more shall be paid by the party requiring the same.

8. And be it enacted That all penalties fines or forfeitures imposed by and under the provisions of this Act shall be recovered and applied in the manner directed by an Act of the Governor and Legislative Council of the said Colony passed in the third year of the reign

*Savings' Bank.*

reign of Her Majesty Queen Victoria intituled "An Act for the better ensuring the Registration of Marriages Baptisms and Burials" Provided always that no penalty imposed by and under the provisions Limitation of actions. of this Act shall be sued for after the expiration of three years from and after the day on which such penalty shall be alleged to have been incurred.

**SCHEMES REFERRED TO.****A.***Form of Declaration.*

I A. B. (or we as the case may require) do hereby declare that I am (or we are) a Member (or Members) of or hold communion with the Congregational or Independent Denomination of Christians (or the Baptist Denomination of Christians.)

(Signed) { A. B.  
C. D.

**B.***Form of Certificate.*

I E. F. duly registered as the officiating Minister of the Congregational or Independent (or of the Baptist) registered Church or Chapel (describe where situate) do hereby certify that A. B. of \_\_\_\_\_ and C. D. of \_\_\_\_\_ (here describe the residence of the parties married) were joined in wedlock by me on the \_\_\_\_\_ day of 18 \_\_\_\_\_ at \_\_\_\_\_ in the presence of (here describe the names and residences of the respective witnesses to the Marriage Ceremony who intend to subscribe the certificate.)

(Signed) E. F.  
*Minister.*

*Witnesses* { G. H.  
I. K.