

ANNO SEPTIMO & OCTAVO

VICTORIÆ REGINÆ.

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CAP. LVI.

An Act concerning Banns and Marriages in certain District Churches or Chapels. [29th *July* 1844.]

WHEREAS an Act was passed in the Fifty-ninth Year of the Reign of King *George* the Third, intituled *An Act to amend and render more effectual an Act passed in the last Session of Parliament, for building and promoting the building of additional Churches in populous Parishes:* And whereas another Act was passed in the Second Year of the Reign of His late Majesty, intituled *An Act to amend and render more effectual an Act passed in the Seventh and Eighth Years of the Reign of His late Majesty, intituled 'An Act to amend the Acts for building and promoting the 'building of additional Churches in populous Parishes:'* And whereas another Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to amend and render more effectual the Church Building Acts:* And whereas another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act to further amend the Church Building Acts:* And whereas Doubts are entertained whether Banns of Matrimony can be published or Marriages be solemnized in Churches or Chapels to which Districts have been or may hereafter be assigned under the said recited Act passed in the Second Year of the Reign of His late Majesty; and it is expedient to remove such Doubts: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons,

59 G. 3. c. 134.

1 & 2 W. 4. c. 38.

1 & 2 Vict. c. 107.

3 & 4 Vict. c. 60.

Commons, in this present Parliament assembled, and by the Authority of the same, That in every Case in which a District has been or shall be assigned to any Church or Chapel under the Provisions of the said last-mentioned Act it shall be lawful for Her Majesty's Commissioners for building new Churches, with the Consent of the Bishop of the Diocese, in every such Case as has come or shall come before the said Commissioners under the Provisions of the said last-mentioned Act, and for the said Bishop in every such other Case, to determine whether Banns of Matrimony shall be published and Marriages solemnized in any such Church or Chapel aforesaid or not.

Where a District is assigned under last-recited Act the Church Building Commissioners or the Bishop to decide as to Banns and Marriages.

II. And be it enacted, That when and so soon as it shall be determined that Banns of Matrimony may be published and Marriages solemnized in any such Church or Chapel, the Bishop of the Diocese within which such Church or Chapel shall be locally situated, whether in any Parish or Extra-parochial Place, or otherwise, shall certify the same, and such Certificate shall be kept in the Chest of the Church or Chapel with the Books of Registry thereof, and a Copy thereof shall be entered in the Books of the Registry of Banns and Marriages, and a Duplicate of such Certificate shall be registered in the Registry of the Diocese, and such Certificate shall be deemed and taken to be conclusive Evidence in all Courts, and in all Questions relating to any Banns published or Marriages solemnized in any such Church or Chapel, that the same might according to Law respectively be published and solemnized in such Church or Chapel, and that all Banns published and Marriages solemnized in any such Church or Chapel according to the Laws and Canons in force within this Realm in that Behalf shall after the granting of such Certificate be good to all Intents and Purposes whatsoever: Provided always, that no Banns or Marriages respectively published or solemnized according to the Laws and Canons in force within the Realm in that Behalf in any Church or Chapel in which the same are authorized to be respectively published, solemnized, and had by the said recited Acts or this Act, or either of them, shall be invalid by reason of any such Certificate not having been duly given, or registered or entered, as herein-before required: Provided also, that all Fees, Dues, Offerings, and other Emoluments on account of such Marriages, whether of Right or Custom, belonging to the Incumbent or Clerk of any Parish, Chapelry, or Place in which such Church or Chapel has been erected, shall be received by or for or on account of such Incumbent or Clerk respectively, and be paid over to them, except such of the said Fees, Dues, Offerings, or other Emoluments, or such Portions thereof, as the said Commissioners, with the Consent of the Bishop of the Diocese, the Patron, and the said Incumbent respectively, in those Cases which shall come before the said Commissioners, by Order made under their Common Seal, or the Bishop of the Diocese alone, with the Consent of the Patron and Incumbent, in all other Cases, by Order under his Hand and Seal, shall assign to the Minister of such Church or Chapel; and every such Instrument of Assignment shall be registered in the Registry of the Bishop of the Diocese within which said Church or Chapel shall be locally situated: Provided always, that nothing herein-before contained shall be construed to take away from

Proceedings in Cases where it shall be determined that Banns may be published and Marriages solemnized.

How Fees to be disposed of.

from existing Parish Clerks any Fees, Dues, or Emoluments to which they are now by Law or Custom entitled.

The Validity of Marriages in certain Chapels with Districts assigned to them not to be questioned.

III. And whereas, by Error, Banns have been published, and divers Marriages have been solemnized, in Chapels with Districts assigned to them under the Provisions of the herein-before recited Acts or some of them, but in which Chapels Banns could not be legally published, nor Marriages by Law be solemnized; and it is expedient to remove all Doubts, arising from the Circumstances aforesaid, touching the Validity of such Marriages; be it therefore enacted, That Banns already published, and Marriages already solemnized, in such Chapels as aforesaid, shall not hereafter be questioned on account of the said Banns having been published, or the said Marriages solemnized, in any such Chapel as aforesaid; and the Minister or Ministers who solemnized the same shall not be liable to any Ecclesiastical Censure, or to any other Proceedings or Penalties whatsoever, by reason thereof; and the Registers of all Marriages so solemnized as aforesaid, or Copies of such Registers, shall be received in all Courts of Law and Equity as Evidence of such Marriages respectively.

Omissions to authorize Marriages in Chapels may be cured by supplemental Order.

IV. And be it enacted, That where a Chapelry has been already or shall hereafter be assigned to any Chapel under the Provisions of the herein-before recited Act passed in the Fifty-ninth Year of the Reign of King *George* the Third, and the Order in Council assigning such Chapelry does not direct that Marriages may be performed in such Chapel, it shall be lawful for Her Majesty, by any supplemental Order in Council, on a Representation to be made to Her by the said Commissioners, with the Consent of the Bishop of the Diocese, to order that Marriages may be performed thereafter in such Chapel; and that all the Fees arising therefrom, or a Part thereof, should thereafter belong and be paid to the Minister of such Chapel, or after the next Avoidance of the Parish Church, or that all or a Portion of such Fees should belong and be paid to the Incumbent of such Parish Church; and all the Laws in force relating to Banns of Marriage, and Marriages in District Chapels, and the registering thereof, shall apply to Marriages performed under such supplemental Order in Council.

In any Representation to the Queen in Council, &c. the Number of the Section of the Act under which such Representation, &c. is made need only be recited.

V. And be it enacted, That in any Representation to Her Majesty in Council, or in any Order of Council to be made thereon, or in any other Matter or Thing done under their Common Seal by the said Commissioners under the Authority of the herein-before recited Acts or any other Act of Parliament, it shall be sufficient to refer to the Section or Sections as numbered in Copies printed by the Queen's Printer of the Act or Acts under the Authority whereof such Representation or Order in Council is made, or such Matter or Thing done, and it shall not be necessary to recite any of the Provisions of such Section or Sections.

Every Order in Council under the Church Building

VI. And be it enacted, That every Order in Council under the Provisions of the herein-before recited Acts or any of them, or under the Provisions of any other of the Church Building Acts, shall, as soon as may be after the making thereof by Her Majesty in

Acts to be inserted in the London Gazette, and registered with a Map and Description of Boundaries, but the Map not required to be enrolled in Chancery.

in Council, be inserted and published in the *London Gazette* in like Manner as any Order in Council made under the Acts regulating the Proceedings of the Ecclesiastical Commissioners of *England* is published in such Gazette, and it shall not be necessary to enrol in the Court of Chancery any Map or Plan or Description of the Boundaries of any Division or District formed under the Provisions of the herein-before recited Acts, or any other of the Church Building Acts; and a Map or Plan on which shall be marked such Boundaries, and which shall be sealed with the Common Seal of the said Commissioners for building new Churches, and the Order in Council annexed thereto, shall be registered in the Registry of the Diocese in the Manner directed by the Act passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act to carry into effect, with certain Modifications, the Fourth Report of the Commissioners of Ecclesiastical Duties and Revenues*, and shall be subject to such and the like Provisions in all respects relating thereto as are contained in the same Act: Provided always, that nothing in this Act contained shall be taken to repeal or affect any of the Authorities contained in an Act of Parliament passed in the Seventh Year of the Reign of His late Majesty, intituled *An Act for Marriages in* England, for licensing any Churches or Chapels for the Solemnization of Marriages therein.

3 & 4 Vict. c. 113.

Not to affect 6 & 7 W. 4. c. 85. as to licensing Churches, &c. for Solemnization of Marriages.

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