

1960

## c 228 Marriage Act

Ontario

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## CHAPTER 228

## The Marriage Act

## 1. In this Act,

Interpretation

- (a) "church" includes chapel, meeting-house or place set aside for religious worship;
- (b) "Indian" means a person who is registered as an Indian or entitled to be registered as an Indian under the *Indian Act* (Canada); R.S.C. 1952, c. 149
- (c) "Issuer" means a person authorized under this Act to issue marriage licences;
- (d) "judge" means a judge or junior judge of a county or district court;
- (e) "licence" means a marriage licence issued under this Act;
- (f) "magistrate" means a magistrate appointed under *The Magistrates Act*; R.S.O. 1960, c. 226
- (g) "reserve" means reserve as defined in the *Indian Act* (Canada). R.S.O. 1950, c. 222, s. 1; 1956, c. 45, s. 1.

2. The administration of this Act is under the direction of the Provincial Secretary. R.S.O. 1950, c. 222, s. 2. Administration

3. With the consent of the Provincial Secretary, the Deputy Provincial Secretary may have, use and exercise any power, right or authority conferred by this Act on the Provincial Secretary. R.S.O. 1950, c. 222, s. 3. Delegation of Minister's powers

4.—(1) No marriage may be solemnized except under the authority of a licence, special permit or publication of banns. Authority to marry

(2) The Lieutenant Governor or his deputy may authorize by licence (Form 1) the solemnization of marriage. Licence

(3) The Provincial Secretary may authorize by special permit (Form 2) the solemnization of marriage. Special permit R.S.O. 1950, c. 222, s. 4.

5.—(1) Any person who is eighteen years of age or more may obtain a licence or a special permit or be married under authority of publication of banns, provided no lawful cause exists to hinder the solemnization. Who may marry, residents

non-  
residents

(2) No licence shall be issued where neither of the parties to the intended marriage has, for fifteen days immediately preceding the date of the application for a licence, had his usual place of abode within Ontario, unless the Provincial Secretary, in writing, authorizes the issue thereof. R.S.O. 1950, c. 222, s. 5.

Persons  
mentally  
ill, etc.

6. No person shall issue a licence or special permit to or solemnize the marriage of any person who is mentally ill or mentally defective, or who is under the influence of intoxicating liquor or narcotic drugs. R.S.O. 1950, c. 222, s. 6.

Consent to  
marriage  
under  
eighteen,  
father

7.—(1) No person shall,

(a) issue a licence or special permit to; or

(b) solemnize, under the authority of publication of banns, the marriage of,

any person under the age of eighteen years unless the consent in writing of the father is obtained.

mother

(2) Where the father is dead, or is living apart from the mother and such person and is not maintaining or contributing to the support of such person, the consent in writing of the mother shall be obtained.

guardian

(3) Where a guardian has been appointed, his consent in writing only shall be obtained.

Exceptions

(4) Notwithstanding subsections 1 to 3, a licence may be issued to a person under the age of eighteen years if the issuer is satisfied that both parents are dead and no guardian has been appointed or that the person whose consent is required is declared mentally ill or is confined in a hospital for mentally ill or mentally defective persons, or is not resident in Ontario or cannot be found.

Deposit of  
consent

(5) Any consent required by this section shall be deposited with the person issuing the licence or special permit or solemnizing the marriage, as the case may be. R.S.O. 1950, c. 222, s. 7.

Person under  
fourteen  
years

8. No person shall,

(a) issue a licence or special permit to; or

(b) solemnize, under the authority of publication of banns, the marriage of,

any person under the age of fourteen years unless section 7 is complied with and a certificate of a legally qualified medical practitioner, stating that the marriage is necessary to prevent

illegitimacy of offspring, is deposited with the person issuing the licence or special permit or solemnizing the marriage. R.S.O. 1950, c. 222, s. 8.

**9.**—(1) Where the person whose consent is required under section 7 unreasonably or arbitrarily withholds his consent or is by his actions not interested in the maintenance or well-being of the person in respect of whose marriage the consent is required, or where it is uncertain whose consent is required, the person in respect of whose marriage consent is required may apply to a judge without the intervention of a next friend for an order under this section. Application to dispense, with consent

(2) The judge shall hear the application in a summary manner and may make an order dispensing with the consent. R.S.O. 1950, c. 222, s. 9. Order

**10.** Notwithstanding anything in this Act, if the Provincial Secretary considers that circumstances justify the issue of a licence or a special permit in any particular case, he may, in his absolute discretion, authorize the issue of a licence or issue a special permit. R.S.O. 1950, c. 222, s. 10. Discretionary power of Minister

**11.**—(1) A married person whose spouse is missing and who alleges, Application for presumption of death

- (a) that his spouse has been continuously absent for at least seven years immediately preceding the application;
- (b) that his spouse has not been heard from or heard of during such period by the applicant or to the knowledge of the applicant by any other person; and
- (c) that the applicant has made reasonable inquiries and has no reason to believe that his spouse is living,

may apply to a judge for an order under this section.

(2) Upon being satisfied as to the truth of the matters alleged, the judge may, in his discretion, make an order declaring that the spouse shall be presumed dead. Order

(3) Where an order has been obtained under this section, the person in whose favour the order was made may, subject to the provisions of this Act, obtain a licence or special permit or be married under the authority of publication of banns upon depositing a copy of the order with the person issuing the licence or special permit or solemnizing the marriage together with an affidavit (Form 3). Effect of order

(4) Except for the purposes of subsection 3, the order has no effect. R.S.O. 1950, c. 222, s. 11. Idem



Divorced  
persons,  
in Canada

**12—**(1) No issuer shall issue a licence to a person whose previous marriage has been dissolved or annulled in Canada unless such person deposits with the issuer,

- (a) a copy of the final decree or judgment or of the Act dissolving or annulling the marriage, certified by the proper officer; and
- (b) such other material as the issuer may require.

elsewhere

(2) No issuer shall issue a licence to a person whose previous marriage has been dissolved or annulled elsewhere than in Canada, unless the authorization in writing of the Provincial Secretary is obtained upon the deposit of such material as he may require. R.S.O. 1950, c. 222, s. 12.

Prerequisite  
to licence

**13.—**(1) Before a licence is issued,

- (a) both parties to the intended marriage shall make an affidavit (Form 4); or
- (b) one of the parties shall make an affidavit (Form 4) and deposit with the issuer,
  - (i) a birth certificate of the other party, or
  - (ii) an affidavit by the other party or by some member of his family having personal knowledge of the facts, stating the age, date and place of birth of such other party; provided that where the affidavit is made by the other party to the intended marriage it is sufficient to state his age, date and place of birth, according to the best of his knowledge, information and belief.

Affidavit  
on licence

(2) The affidavit (Form 4) shall be endorsed on the licence. R.S.O. 1950, c. 222, s. 13.

Marriage  
not to be  
performed  
within three  
days of  
date of  
licence

**14.** Where a marriage is to be solemnized under the authority of a licence it shall not take place earlier than the third day after the date of the issue of the licence, but the Provincial Secretary in his absolute discretion may authorize the solemnization of the marriage earlier than such third day. R.S.O. 1950, c. 222, s. 14.

Publication  
of banns

**15.—**(1) Where a marriage is to be solemnized under the authority of publication of banns, the intention to marry shall be proclaimed openly in an audible voice during divine service,

- (a) where the parties are in the habit of attending worship at the same church, being within Canada, at that church; or

- (b) where the parties are in the habit of attending worship in different churches, being within Canada, in each such church. R.S.O. 1950, c. 222, s. 15 (1).

(2) The banns shall be published according to the usage of the denomination, faith or creed of the church in which they are published and during divine Sunday service. R.S.O. 1950, c. 222, s. 15 (2); 1955, c. 42, s. 1. <sup>Method and time of publication</sup>

(3) Where the usage of any denomination, faith or creed substitutes any other day as the usual and principal day of the week for the celebration of divine service, the banns shall be published on such other day. <sup>Exception</sup>

(4) The person or persons who publish banns shall complete proof of publication (Form 5). R.S.O. 1950, c. 222, s. 15 (3, 4). <sup>Proof of publication</sup>

**16.** Where a marriage is to be solemnized under the authority of publication of banns, it shall not take place earlier than the fifth day after the date of the publication of banns. R.S.O. 1955, c. 42, s. 2. <sup>Time of publication</sup>

**17.** No marriage shall be solemnized under the authority of publication of banns unless proof of publication by the person or persons publishing the banns has been deposited with the person solemnizing the marriage. R.S.O. 1950, c. 222, s. 16. <sup>Proof of publication</sup>

**18.** Banns shall not be published,

- (a) where either of the parties to the intended marriage has been married and the marriage has been dissolved or annulled; or
- (b) where neither of the parties has had his usual place of abode within Ontario for fifteen days immediately preceding the request for publication. R.S.O. 1950, c. 222, s. 17. <sup>Where banns not to be published</sup>

**19.** A marriage shall be solemnized only within the three months immediately following the issue of the licence or special permit, or the publication of banns, as the case may be. R.S.O. 1950, c. 222, s. 18. <sup>Time within which marriage to be solemnized</sup>

**20.** Every marriage shall be solemnized in the presence of the parties and at least two witnesses who shall affix their names as witnesses to the entry in the register made under section 27. R.S.O. 1950, c. 222, s. 19. <sup>Attendance of parties and witnesses</sup>

Marriage  
certificate

**21.** Every person who solemnizes a marriage shall, at the time of the marriage, if required by either of the parties thereto, give a certificate of the marriage specifying the names of the parties, the date of the marriage, the names of the witnesses, and whether the marriage was solemnized under the authority of a licence, special permit or publication of banns. R.S.O. 1950, c. 222, s. 20.

Who may  
solemnize  
marriage

**22.—(1)** No person shall solemnize a marriage unless he is a judge or a magistrate, or is registered under this section as a person authorized to solemnize marriage.

Application  
for regis-  
tration

(2) Upon application the Provincial Secretary may, subject to subsection 3, register any person as a person authorized to solemnize marriage.

Who may be  
registered

(3) No person shall be registered unless it appears to the Provincial Secretary,

- (a) that the person has been ordained or appointed according to the rites and usages of the religious body to which he belongs, or is, by the rules of that religious body, deemed ordained or appointed;
- (b) that the person is duly recognized by the religious body to which he belongs as entitled to solemnize marriage according to its rites and usages;
- (c) that the religious body to which the person belongs is permanently established both as to the continuity of its existence and as to its rites and ceremonies; and
- (d) that the person is resident in Ontario or has his parish or pastoral charge in whole or in part in Ontario; provided that in the case of a person who is in Ontario temporarily and who, if resident in Ontario, might be registered under this section, the Provincial Secretary may register him as authorized to solemnize marriage during a period to be fixed by the Provincial Secretary.

Quakers

(4) Notwithstanding subsection 1, every marriage solemnized according to the rites, usages and customs of the religious Society of Friends, commonly called Quakers, shall be valid and all the duties imposed by this Act upon a person solemnizing a marriage shall, with respect to such marriage, be performed by the clerk or secretary of the society or of the meeting at which the marriage is solemnized; but nothing herein shall require the marriage to be celebrated or solemnized by such clerk or secretary. R.S.O. 1950, c. 222, s. 21.



**23.**—(1) The Provincial Secretary shall keep a register of the name of every person registered as a person authorized to solemnize marriage, the date of such registration, and such other particulars as he may deem advisable. Register

(2) The Provincial Secretary may issue a certificate (Form 6) of registration under this section. R.S.O. 1950, c. 222, s. 22. Certificate of registration

**24.**—(1) Where it appears to the Provincial Secretary that any person registered as authorized to solemnize marriage has ceased to possess the qualifications entitling him to be so registered, or for any other cause, the Provincial Secretary may cancel such registration. Cancellation of registration

(2) Every religious body, members of which are registered under this Act, shall notify the Provincial Secretary of the name of every such member so registered who has died or has ceased to reside in Ontario or has ceased to be associated with such religious body. R.S.O. 1950, c. 222, s. 23. Notice of change

**25.** When a person is registered under this Act as authorized to solemnize marriage, and when any such registration is cancelled, the Provincial Secretary shall publish notice thereof in *The Ontario Gazette*. R.S.O. 1950, c. 222, s. 24. Publication of registration and cancellation

**26.**—(1) A judge or magistrate may solemnize marriage under the authority of a licence or a special permit. Civil marriage

(2) The marriage shall be solemnized in the judge's chambers or magistrate's office between the hours of 9 o'clock in the morning and 5 o'clock in the afternoon. Place of solemnization

(3) No particular form of ceremony is required except that in some part of the ceremony, in the presence of the judge or magistrate and witnesses, each of the parties shall declare: Form of ceremony

I do solemnly declare that I do not know of any lawful impediment why I, AB, may not be joined in matrimony to CD,

and each of the parties shall say to the other:

I call upon these persons here present to witness that I, AB, do take thee, CD, to be my lawful wedded wife (or husband),

after which the judge or magistrate shall say:

I, EF, Judge (or Magistrate) of....., by virtue of the powers vested in me by *The Marriage Act*, do hereby pronounce you AB and CD to be husband and wife.

R.S.O. 1950, c. 222, s. 25.

**27.** Every person shall immediately after he has solemnized a marriage, Entry in marriage register

(a) where the marriage was solemnized in a church, enter in the church register kept for the purpose; or



- (b) where the marriage was solemnized elsewhere than in the church, enter in a register kept by him for the purpose,

the particulars set out in Form 7, and the entry shall be authenticated by his signature and those of the parties and witnesses. R.S.O. 1950, c. 222, s. 26.

Church  
marriage  
registers

**28.**—(1) Every person registered as authorized to solemnize marriage who is in charge of a church that has not a marriage register shall apply to the clerk of the local municipality in which the church is situate for a marriage register for the church, and the clerk shall thereupon supply such register at the cost of the municipality.

Individual  
registers

(2) Every person registered as authorized to solemnize marriage may apply to the clerk of the local municipality in which he resides for a marriage register for his own use, and the clerk shall thereupon supply such register at the cost of the municipality.

Unorganized  
territory

(3) Where the church is situate or the person is resident in territory without municipal organization, the application referred to in subsection 1 or 2 shall be made to the Provincial Secretary who shall supply such register.

Judges and  
magistrates

(4) The Provincial Secretary shall supply a marriage register to every judge and magistrate.

Property in  
registers

(5) Every marriage register supplied under subsection 1, 2 or 3 is the property of the religious body to which the person who applied for the register belongs, and every marriage register supplied under subsection 4 is the property of the Crown. R.S.O. 1950, c. 222, s. 27.

Statement of  
marriage

**29.**—(1) Before the solemnization of a marriage, the parties to the marriage shall complete the particulars in the statement of marriage (Form 8) endorsed on the licence, special permit or certificate of publication of banns, and leave it with the person who will solemnize the marriage, and forthwith after the solemnization of the marriage,

- (a) the parties to the marriage shall sign the statement;
- (b) at least two witnesses to the marriage shall sign the statement; and
- (c) the person who solemnized the marriage shall complete and sign the certificate on the statement.

To be for-  
warded to  
Registrar  
General

(2) Within two days after the day of the marriage, the person who solemnized the marriage shall forward the state-

ment, duly completed in accordance with subsection 1, to the Registrar General. R.S.O. 1950, c. 222, s. 28.

**30.**—(1) Marriage licences may be issued by the clerk of every city, town and village and by every magistrate in territory without municipal organization and every such clerk and magistrate is *ex officio* an issuer of marriage licences. *Ex officio* issuers

(2) Where it is deemed expedient for the public convenience, the Lieutenant Governor in Council may appoint as an issuer the clerk of any township, or any person resident in the Provisional County of Haliburton, or in a township adjacent thereto, or in a provisional judicial district. R.S.O. 1950, c. 222, s. 29. In townships and unorganized territory

**31.**—(1) An issuer may, with the approval in writing of the Provincial Secretary or of the head of the council of the municipality of which he is clerk, appoint in writing one or more deputies to act for him, and any such deputy while so acting has the power of the issuer appointing him. Deputy issuers

(2) The issuer shall, upon appointing a deputy, forthwith transmit to the Provincial Secretary a notice of the appointment, and of the reason therefor, and of the name and official position of the person by whom the appointment has been approved, and the Provincial Secretary may at any time cancel the appointment. Notice of appointment of deputy

(3) The deputy shall sign each licence issued by him with the name of the issuer as well as his own name in the following manner: Signature of licences by deputy

AB, Issuer of Marriage Licences, per CD, Deputy Issuer.

R.S.O. 1950, c. 222, s. 30.

**32.** Every licence under the hand and seal of the Lieutenant Governor or his deputy and every special permit issued under the hand and seal of the Provincial Secretary or Deputy Provincial Secretary for the purpose of the solemnization of a marriage, is valid notwithstanding that the Lieutenant Governor or his deputy, or the Provincial Secretary or the Deputy Provincial Secretary, as the case may be, has ceased to hold office before the time of the issue of the licence or special permit. R.S.O. 1950, c. 222, s. 31. Validity of licences and special permits

**33.** An issuer or the Provincial Secretary may require evidence to identify any applicant or to establish his status and may examine, under oath if required, any applicant or other person as to any matter pertaining to the issue of a licence or special permit. R.S.O. 1950, c. 222, s. 32. Evidence on applications

Record of  
licences

**34.**—(1) Every issuer shall keep in his office a record of the serial number and the date of issue of every licence issued by him, and the names and addresses of the parties to the intended marriage.

Searches

(2) Any person is entitled, upon application, to have a search made respecting any licence issued within three months immediately preceding the date of application. R.S.O. 1950, c. 222, s. 33.

Untrue  
information

**35.** Where an issuer has reason to believe that any information set out in the affidavit (Form 4) is untrue, he shall not issue the licence unless, on the production of such further evidence as he may require, he is satisfied as to the truth of the information. R.S.O. 1950, c. 222, s. 34.

Material to  
be for-  
warded, to  
Provincial  
Secretary

**36.**—(1) Every issuer shall, immediately upon issuing a licence, forward to the Provincial Secretary such of the particulars contained in Form 4 as the Provincial Secretary may require and any affidavit under section 39. R.S.O. 1950, c. 222, s. 35 (1); 1956, c. 45, s. 2.

to Registrar  
General

(2) Every issuer immediately upon issuing a licence and every person registered as authorized to solemnize marriage upon publishing banns shall forward to the Registrar General the following:

1. Any consent under section 7 or 8.
2. Any certificate of a medical practitioner under section 8.
3. Any judge's order under section 9.
4. Any judge's order under section 11.
5. Any affidavit (Form 3) under section 11.
6. The copy of any decree, judgment or Act dissolving or annulling a marriage and any other material under section 12.
7. Any affidavit as to age under section 13.
8. Any birth certificate under section 13.
9. Any documentary material obtained under section 33 or 35. R.S.O. 1950, c. 222, s. 35 (2).

Oaths

**37.** Issuers may administer oaths for the purposes of this Act. R.S.O. 1950, c. 222, s. 36.

Licence fee

**38.**—(1) The fee for a licence is \$5 of which sum \$4 shall be remitted by the issuer to the Treasurer of Ontario.



(2) The issuer shall retain \$1 from the licence fee for his <sup>Idem</sup> own use.

(3) Where the issuer is the clerk of a municipality, the council of the municipality may commute the issuer's fees <sup>Commutation of clerk's fees</sup> provided for in subsection 2 for a fixed sum, not exceeding \$2,000, payable annually by the municipality to the issuer, in which case the fees that would otherwise be retained by the issuer shall belong to the municipality.

(4) When the council and the issuer do not agree upon the <sup>Idem</sup> amount of the commutation, the amount may be fixed by a judge. R.S.O. 1950, c. 222, s. 37.

**39.** Where both parties to an intended marriage are Indians <sup>Indians</sup> ordinarily resident on a reserve in Ontario or on Crown lands in Ontario and desire to avail themselves of the provisions of this Act,

(a) before a licence is issued, one of the parties to the intended marriage shall make an affidavit (Form 9) which shall be deposited with the issuer; and

(b) notwithstanding section 38, no fee shall be paid for such licence. 1956, c. 45, s. 3; 1957, c. 67, s. 1.

**40.** The fee for an authorization under subsection 2 of <sup>Non-resident fee</sup> section 5 is \$5. R.S.O. 1950, c. 222, s. 38.

**41.** The costs of an application under section 11 shall be <sup>Costs on order of presumption of death</sup> fixed by the judge and paid by the applicant. R.S.O. 1950, c. 222, s. 39.

**42.** The fee for the solemnization of a marriage by a judge <sup>Fee on marriage by judge or magistrate</sup> or magistrate is \$10 which shall be remitted by the judge or magistrate, as the case may be, to the Treasurer of Ontario. R.S.O. 1950, c. 222, s. 40.

**43.** Every issuer and every other person having unissued <sup>Property in unissued licences</sup> licences in his possession, custody or control, shall, whenever required so to do, transmit them to the Provincial Secretary, and the property in all unissued licences is in the Crown. R.S.O. 1950, c. 222, s. 41.

**44.** No person who solemnizes or purports to solemnize a <sup>Protection of persons solemnizing marriage in good faith</sup> marriage is subject to any action or liability by reason of there having been any legal impediment to the marriage unless, at the time he performed the ceremony, he was aware of the impediment. R.S.O. 1950, c. 222, s. 42.



Prohibited  
degrees to  
be endorsed

**45.**—(1) Form 10 respecting the prohibited degrees of affinity and consanguinity shall be endorsed on the licence and on the proof of publication of banns.

Changes in  
prohibited  
degrees

(2) If at any time changes are made in the law affecting the prohibited degrees of affinity and consanguinity, the Lieutenant Governor in Council may direct changes to be made in Form 10 so as to make it conformable to the law for the time being. R.S.O. 1950, c. 222, s. 43.

Marriages  
solemnized  
in good  
faith

**46.** If the parties to a marriage solemnized in good faith and intended to be in compliance with this Act are not under a legal disqualification to contract such marriage and after such solemnization have lived together and cohabited as man and wife, such marriage shall be deemed a valid marriage, notwithstanding that the person who solemnized the marriage was not authorized to solemnize marriage, and notwithstanding the absence of or any irregularity or insufficiency in the publication of banns or the issue of the licence or special permit. R.S.O. 1950, c. 222, s. 44.

Issue of  
licence by  
unauthorized  
persons

**47.** Every person who issues a licence, unless authorized so to do, is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$300 or to imprisonment for a term of not more than six months, or to both. R.S.O. 1950, c. 222, s. 45.

Marriage of  
mental  
defectives,  
etc.

**48.** Every issuer who issues a licence and every person who solemnizes a marriage, knowing or having reason to believe that either of the parties to the intended marriage or to the marriage is mentally defective or mentally ill or is under the influence of intoxicating liquor or narcotic drugs, is guilty of an offence and on summary conviction is liable to a fine of not more than \$500 or to imprisonment for a term of not more than one year, or to both. R.S.O. 1950, c. 222, s. 46.

Marriage by  
unauthorized  
person

**49.** Every person not registered as a person authorized to solemnize marriage who solemnizes or undertakes to solemnize any marriage, is guilty of an offence and on summary conviction is liable to a fine of not less than \$200 and not more than \$500 or to imprisonment for a term of not more than one year, or to both. R.S.O. 1950, c. 222, s. 47.

False  
statements

**50.** Every person who knowingly makes any false statement in any document required under this Act, in addition to any other penalty or punishment to which he may be liable, is guilty of an offence and on summary conviction is liable to

a fine of not less than \$200 and not more than \$500 or to imprisonment for a term of not more than one year, or to both. R.S.O. 1950, c. 222, s. 48.

**51.** Every person who contravenes any provision of this Act for which no other penalty is provided is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. R.S.O. 1950, c. 222, s. 49.

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## FORM 1

(Section 4 (2))

Serial No.

## PROVINCE OF ONTARIO

By

Lieutenant Governor of the Province of Ontario

I do hereby authorize by this licence the solemnization of marriage between

..... of ..... and  
 (name in full) (address)

..... of .....  
 (name in full) (address)

Provided always that, by reason of any Affinity, Consanguinity, Prior Marriage, or other Lawful Cause there is no Legal impediment in this behalf; but if otherwise, this licence is null and void to all intents and purposes whatsoever.

GIVEN under my Hand and Seal at the City of Toronto in the Province of Ontario this ..... day of .....  
 in the year of Our Lord ..... and in the ..... Year of Her Majesty's Reign.

Issued this ..... day of ..... 19.....

.....  
 Issuer of Marriage Licences at  
 .....

R.S.O. 1950, c. 222, Form 1.

## FORM 2

(Section 4 (3))

## SPECIAL PERMIT

I, .....  
 Provincial Secretary, hereby authorize the marriage of

.....  
 of the ..... of .....

and .....  
 of the ..... of .....

GIVEN under my hand and seal at .....  
 this ..... day of ..... 19.....

.....  
 (Provincial Secretary)

R.S.O. 1950, c. 222, Form 2.

## FORM 3

(Section 11 (3))

## AFFIDAVIT REGARDING PRESUMPTION OF DEATH

Canada:	}
Province of Ontario,	
To Wit:	

I, ....., do solemnly swear that:

1. A marriage is intended to be solemnized in the Province of Ontario, between the following parties, of whom I am one, namely:

Intended Bridegroom (*name in full*).....

Residence (*address in full*).....

and

Intended Bride (*name in full*).....

Residence (*address in full*).....

2. I was married to.....(*name in full*)  
on (*date*).....at (*place*).....

3. I have obtained from a judge of the County (*or* District) Court of the County (*or* District) of.....an order declaring that.....(*name in full*) shall be presumed dead.

4. I still have no reason to believe that.....  
is living.

5. I have given careful consideration to the question of the validity of the intended marriage between.....(the other party to the intended marriage) and myself and understand that and have advised.....(the other party to the intended marriage) that if.....(the person presumed dead) is not in fact dead at the time of the solemnization of the intended marriage, such marriage is void.

6. I have shown.....(the other party to the intended marriage) a copy of the order of presumption of death.

SWORN before me at the	}
.....of.....	
in the.....of.....	
....., this.....	
day of.....	
A.D.	



FORM 4  
(Section 13)  
AFFIDAVIT

I, .....and  
 I, .....  
 of .....  
 of .....  
 of .....  
 That, for the space of fifteen days immediately preceding the date of this affidavit .....  
 has had .....  
 That I believe there is no affinity, consanguinity, prior marriage or other lawful cause or legal impediment to bar or hinder the solemnization of the  
 marriage, and  
 That the contents set forth herein are to the best of .....knowledge, information and belief, true in every particular:

Names in full		
Occupation	Age	Age
Condition in Life	<i>Bachelor, Widower or Divorced</i>	<i>Spinster, Widow or Divorced</i>
Religious Denomination		
Residence		
Place of Birth		
Intended Place of Marriage	.....of.....in the County or District of.....	

SWORN before me at the.....  
 of.....in the County or District of  
 this.....  
 day of.....19.....

.....  
 (signature of deponent or deponents, as case may be)

.....  
 (signature of Issuer or Deputy Issuer, as case may be)

.....Issuer of Marriage Licences at.....

FORM 5  
(Section 15 (4))

No.....

## PROOF OF PUBLICATION

On the.....day of....., 19.....,  
I duly published the banns of marriage between.....  
.....  
of the.....of.....  
and.....  
of the.....of.....  
in.....Church in  
the.....of.....

I further certify that I verily believe.....  
.....

(and).....  
(is or are) in the habit of attending worship at such Church.

Dated this.....day of....., 19.....

.....  
(Signature)

.....  
(Address)

R.S.O. 1950, c. 222, Form 5; 1955, c. 42, s. 3.

FORM 6  
(Section 23 (2))

No.....

## CERTIFICATE OF REGISTRATION

as a person authorized to solemnize marriage

Pursuant to THE MARRIAGE ACT, I certify that.....  
.....

of the.....of.....  
in the.....of.....  
is registered as a person authorized to solemnize marriage in the PROVINCE  
OF ONTARIO.

GIVEN under my hand at the Parliament Buildings at the City of  
Toronto in the Province of Ontario this.....  
day of.....19.....

(Deputy) Provincial Secretary.

R.S.O. 1950, c. 222, Form 6.

FORM 7  
(Section 27)

## REGISTER OF MARRIAGES

BRIDEGROOM	
Name in full	
Age	
Residence when married	
Place of birth	
Bachelor, Widower or Divorcee (B., W. or D.)	
Occupation	
Religious Denomination of Bridegroom	
Names of Parents	
BRIDE	
Name in full	
Age	
Residence when married	
Place of birth	
Spinster, Widow or Divorcee (S., W. or D.)	
Religious Denomination of Bride	
Names of Parents	
Whether Married by Li- cence or Banns (L. or B.)	
SIGNATURES of Bridegroom	
of Bride	
of Witnesses	
	Residence.....
	Residence.....

I certify the above-named parties were married by me at.....  
....., in the County of....., this.....day of.....  
19.....

.....  
(Signature)

.....  
(Address)

FORM 8  
(Section 29 (1))  
STATEMENT OF MARRIAGE



(For use of Registrar General only)

1. Place of Marriage: The.....of....., in the.....of.....  
(city, town, village or township) (county or territorial district)
2. Date of Marriage: (month by name) (day) (year) 3. Licence ☐ Banns ☐  
(Place X in proper square)

4. .... Bridegroom	Surname Given Names	16. .... Bride
5. The.....of.....in the.....of..... (city, town, village or township) (county or territorial district)	Residence	17. The.....of.....in the.....of..... (city, town, village or township) (county or territorial district)
6. .... (Bachelor, Widower, Divorcee)	Marital Status	18. .... (Spinster, Widow, Divorcee)
7. ....	Religious Denomination	19. ....
8. Age..... (in years)	Age Citizenship	20. Age..... (in years)
9. Citizenship.....	Place of Birth	21. Citizenship.....
10. .... (If in Canada, state Province; if foreign born state country)	Occupation	22. .... (If in Canada, state Province; if foreign born state country)
11. ....	Name of Father Surname Given Names	23. ....
12. ....	Maiden Name of Mother Maiden Surname Given Names	24. ....
13. ....	Birthplace of Father	25. ....
14. .... (Province or Country)	Birthplace of Mother	26. .... (Province or Country)
15. .... (Province or Country)		27. .... (Province or Country)

(Signature of Bridegroom)

(Signature of Witness)

(Address of Witness)

I CERTIFY that I solemnized the marriage of the parties named in Items 4 and 17 on the date and at the place set out above.

\*Registration No.....

\*Religious Denomination.....

\*These items not to be completed by a judge or magistrate.

(Signature of Bride)

(Signature of Witness)

(Address of Witness)

(Signature of person solemnizing the marriage)

(Post Office Address)

Date.....

R.S.O. 1950, c. 222, Form 8; 1960, c. 64, s. 1.



## FORM 9

(Section 39)

## AFFIDAVIT BY INDIAN

Canada:  
Province of Ontario,

To Wit:

IN THE MATTER OF an application for a  
licence under *The Marriage Act*, for the  
marriage of

.....of.....  
(name in full) (address—giving street  
and number)

and

.....of.....  
(name in full) (address—giving street  
and number)

I, .....  
(name in full)

of the .....of.....  
(city, town, village or township)

in the .....of.....  
(county or district)

in the .....of.....  
(province)

.....  
(occupation)

## MAKE OATH AND SAY THAT:

1. I am one of the parties aforesaid.
2. According to the best of my knowledge, information and belief, both the parties aforesaid are Indians ordinarily resident on a reserve in Ontario (or on Crown lands in Ontario, as the case may be).

SWORN before me at the

.....of.....

in the.....

of.....in the

.....  
(Signature of Deponent)

Province of Ontario,

this.....day of.....,

19.....

This affidavit may be taken in Ontario by the Marriage Licence Issuer or a Commissioner for taking Affidavits or a Notary Public.

ISSUER PLEASE NOTE—Forthwith after issuance of Marriage Licence forward this affidavit to the Deputy Provincial Secretary, Parliament Buildings, Toronto, with the following information:  
(See Section 36 of *The Marriage Act*.)

.....19.....  
(No. of marriage licence) (date of issue) (place of issue) (signature)

1956, c. 45, s. 4.

## FORM 10

## (Section 45)

Degrees of affinity and consanguinity which, under the statutes in that behalf, bar the lawful solemnization of marriage.

## A man may not marry his

1. Grandmother
2. Grandfather's wife
3. Wife's grandmother
4. Aunt
- †5. Uncle's wife
6. Wife's aunt
7. Mother
8. Step mother
9. Wife's mother
10. Daughter
11. Wife's daughter
12. Son's wife
13. Sister
14. Granddaughter
15. Grandson's wife
16. Wife's granddaughter
17. Niece
18. Nephew's wife
19. Wife's niece\*
- †20. Brother's wife

## A woman may not marry her

1. Grandfather
2. Grandmother's husband
3. Husband's grandfather
4. Uncle
5. Aunt's husband\*
6. Husband's uncle
7. Father
8. Step father
9. Husband's father
10. Son
11. Husband's son
12. Daughter's husband
13. Brother
14. Grandson
15. Granddaughter's husband
16. Husband's grandson
17. Nephew
18. Niece's husband
- †19. Husband's nephew
- †20. Husband's brother

The relationships set forth in this table include all such relationships, whether by the whole or half blood, and whether legitimate or illegitimate.

\*By the Revised Statutes of Canada, 1927, c. 127, s. 2 (1932, c. 10), it is enacted that "A marriage is not invalid merely because the woman is a sister of a deceased wife of the man, or a daughter of a sister or brother of a deceased wife of the man."

†By the Revised Statutes of Canada, 1927, c. 127, s. 3 (1932, c. 10), it is enacted that "A marriage is not invalid merely because the man is a brother of a deceased husband of the woman or a son of a brother or sister of a deceased husband of the woman."

R.S.O. 1950, c. 222, Form 9.

