

UNEDITED

# *The Marriage Act*

*being*

Chapter 152 of *The Revised Statutes of Saskatchewan, 1920*  
(assented to November 10, 1920).

FOR HISTORICAL REFERENCE ONLY

## **NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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SCHEDULE

## CHAPTER 152

### An Act respecting Marriages

#### SHORT TITLE

##### Short title

1 This Act may be cited as *The Marriage Act*.

R.S.S. 1909, c.133, s.1; R.S.S. 1920, c.152, s.1.

##### Who may perform marriage ceremony

2 The ministers and clergyman of every church or religious denomination duly ordained or appointed according to the rites and ceremonies of the churches, denominations or religious bodies to which they respectively belong; and any catechist, missionary or theological student duly appointed or commissioned by the governing body of any church or religious denomination with special authority to solemnize marriages, and commissioners and staff officers of the Salvation Army, may by virtue of such ordination or appointment and according to the rites and usages of such churches denominations or religions bodies respectively; and commissioners appointed for that purpose by the Lieutenant Governor in Council, may solemnise or perform the ceremony of marriage between any two persons not under a legal disqualification or disability to contract such marriage.

R.S.S. 1909, c.133, s.2; 1910–11, c.41, s.8; R.S.S. 1920, c.152, s.2.

##### Marriage ceremony not to be performed without license or banns

3(1) Except as hereinafter provided no marriage commissioner shall solemnise marriage unless the parties to the intended marriage produce to him the license provided for by this Act; and no minister or clergyman or other person authorised to perform the ceremony or marriage shall solemnise marriage unless the parties to the intended marriage produce to him such license or unless the intention of the two persons to intermarry has been proclaimed by publication of banns at least once on each of two Sundays in some public religious assembly.

(2) A certificate (form G) of the due publication of banns shall be furnished by the person publishing the banns on the application of either party to the intended marriage and on payment of the fee of fifty cents therefor.

R.S.S. 1909, c.133, s.3; R.S.S. 1920, c.152, s.3.

##### Witnesses/Registration

4 All marriages shall be solemnised in the presence of two or more credible witnesses besides the minister, clergyman, marriage commissioner or other person performing the ceremony, every person solemnising a marriage shall register the same according to the provisions of *The Vital Statistics Act*.

R.S.S. 1909, c.133, s.4; R.S.S. 1920, c.152, s.4.

**No action against person solemnising marriage**

**5** No person duly authorised in conformity with the provisions of section 2, who solemnises a marriage shall be subject to any action or liability for damages or otherwise by reason of there having been any legal impediment to the marriage unless at the time when he performed the ceremony he was aware of the impediment.

R.S.S. 1900, c.133, s.5; R.S.S. 1920, c.152, s.5.

**ISSUE OF MARRIAGE LICENCES****Issue of licenses**

**6** Marriage licenses (form A) shall be supplied from the Department of the Provincial Secretary and shall be issued to persons requiring the same by such persons as the Lieutenant Governor in Council names for that purpose.

R.S.S. 1909, c.133, s.6; R.S.S. 1920, c.152, s.6.

**Signature of licenses**

**7** Such licenses shall be signed by the Provincial Secretary and shall be and remain valid notwithstanding that the Provincial Secretary has ceased to hold office before the time of the issue of the license.

R.S.S. 1909, c.123, s.7; R.S.S. 1920, c.152, s.7.

**Signature by issuer**

**8** Every issuer of marriage licenses shall sign each license as the same is issued by him.

R.S.S. 1909, c.133, s.8; R.S.S. 1920, c.152, s.8.

**Affidavit prior to grant of license**

**9(1)** Before a license is granted by any issuer one of the parties to the intended marriage shall personally make an affidavit before him (form B).

(2) The affidavit may be made before any justice of the peace in any case where it is inconvenient for both of the parties to be married to attend personally before an issuer of marriage licenses:

Provided always that the reason that neither party can so attend shall be set forth in such affidavit as a justification for the issuer granting license without a personal application by one of said parties.

(3) Upon the back or at the foot of the printed forms of affidavits so to be made shall be printed a memorandum showing the degrees of affinity and consanguinity between the parties which bar or hinder the solemnisation of marriage between them (form H).

(4) The issuer or the justice of the peace shall before administering the oath to the applicant see that the applicant is aware of the degrees of affinity and consanguinity which are a bar to the solemnisation of marriage.

R.S.S. 1909, c.133, s.9; 1913, c.67, s.20; R.S.S. 1920, c.152, s.9.

**Further evidence may be required**

**10** In case the issuer has knowledge or reason to suspect that any of the statements in the affidavit of any applicant for a marriage license are not correct the said issuer shall require further evidence to his satisfaction before issuing the license; and a copy of all such affidavits and evidence shall be placed on file in his office.

R.S.S. 1909, c.133, s.10; R.S.S. 1920, c.152, s.10.

**Consent to marriage of minors**

**11(1)** The father, if living, of any person under twenty-one years of age (not being a widower or widow) or if the father is dead then the mother of the minor or if both parents are dead then the lawfully appointed guardian or the acknowledged guardian who may have brought up or for three years immediately preceding the intended marriage supported or protected the minor shall have authority to give consent to such marriage.

(2) Any female over the age of eighteen years who is living apart from her parents or guardians and earning her own livelihood may be excused from obtaining the consent of such parent or guardian and a statement of the facts constituting such excuse shall be set forth in the affidavit required by section 9.

R.S.S. 1909, c.133, s.11; R.S.S. 1920, c.152, s.11.

**Quarterly returns of license issued**

**12(1)** Every issuer of marriage licenses shall on the fifteenth day of January, April, July and October in each year make a sworn return to the Provincial Secretary of all licenses issued by him during the preceding three months with the names of the parties to whom issued and shall accompany such return with the original affidavit taken in each instance; the said return shall further state the number of unissued licenses in the custody of the issuer and shall be made in the form prescribed by the Lieutenant Governor in Council.

(2) The Lieutenant Governor in Council may in special cases dispense with the provisions of this section and may make regulations for special returns to be made in such cases.

R.S.S. 1909, c.133, s.12; R.S.S. 1920, c.152, s.12.

**Return of unissued licenses**

**13** Every issuer of marriage licenses shall whenever called upon by the Provincial Secretary make a sworn return of all licenses at any time supplied to him and shall return all unissued licenses if so required.

R.S.S. 1909, c.133, s.13; R.S.S. 1920, c.152, s.13.

**Fees for licenses**

**14** Every issuer of marriage licenses shall pay to the Department of the Provincial Secretary in advance the sum of two dollars for each such license received by him and he shall be entitled to receive from the person requiring the same the sum of three dollars and no more.

R.S.S. 1909, c.133, s.14; R.S.S. 1920, c.152, s.14.

**Civil marriage, notice to commissioner**

**15** In the event of any parties objecting to or not being desirous of adopting marriage by a clergyman or minister of any religious denomination then and in that case notice in writing (form C) must be given by one of the parties to the marriage commissioner where such parties propose to marry at least fourteen clear days immediately preceding the day of the intended marriage and a declaration of nondisqualification (form D) must be made and signed by each of the parties so proposing to marry; and forthwith upon receipt of such notice and declaration the same shall be entered upon a book to be kept for that purpose by the marriage commissioner in his office which shall be open to the inspection of the public.

R.S.S. 1909, c.133, s.15; R.S.S. 1920, c.152, s.15.

**Commissioner's certificate**

**16** Upon the due compliance of the parties with the provisions of section 15 the marriage commissioner shall if required give a certificate of such compliance (form E).

R.S.S. 1909, c.133, s.16; R.S.S. 1920, c.152, s.16.

**Marriage by commissioner**

**17** After the expiration of the said period of fourteen days marriage may be contracted in the office of and solemnised by the said marriage commissioner according to the form and in the manner hereinafter mentioned but not otherwise:

- (a) provided that the marriage shall be contracted with open doors in the presence of two or more credible witnesses besides the marriage commissioner;
- (b) provided further that in the presence of such marriage commissioner and witnesses each of the parties shall declare: "I do solemnly declare that I know not of any lawful impediment why, I, A. B., may not be joined in matrimony to C. D.," and each of the parties shall say to the other: "I call upon these persons here present to witness that I, A. B., do take thee C. D., to be my lawful wedded wife (or husband)";
- (c) provided also that there be no lawful impediment to the lawful marriage of such parties.

R.S.S. 1909, c.133, s.17; R.S.S. 1920, c.152, s.17.

**Quakers or Doukhoborts**

**18(1)** Nothing in this Act shall be construed as in any way preventing the people called Quakers or Doukhoborts from celebrating marriage (where either or both the parties shall be of the people called Quakers or Doukhoborts respectively) according to the rights and ceremonies of their own religion or creed.

(2) Subject to the following provisions all such Quakers or Doukhoborts desirous of being married according to the rites and ceremonies of their own religion or creed shall, not less than eight days before such marriage is solemnised, give notice in writing (form C) to be signed by one of the parties, to a marriage commissioner of their intention to have such rite or ceremony performed; and forthwith after the performance of the said rite or ceremony shall make and sign a declaration (form F) which said, declaration shall be signed by both the parties to the marriage so contracted in the presence of two witnesses who shall each severally attest such declaration by their signatures; and, such declaration shall within eight days be delireted by one or other of the parties so married to the marriage commissioner to whom the aforesaid notice was given.

(3) The marriage commissioner shall upon receipt of the said declaration forthwith transmit the aforesaid notice of intention and declaration to the registrar of the division for the registration of births, marriages and deaths within which the said marriage was solemnised; and such registrar shall deal with the said notice and declaration in the manner in which it is provided by *The Vital Statistics Act* that such registrar shall deal with the forms containing the original entries of marriages reported to him during the month then current.

R.S.S. 1909, c.133, s.18; R.S.S. 1920, c.152, s.18.

#### Unauthorised issue of licenses or solemnisation of marriage

**19** Any person unlawfully issuing a marriage license supplied from the Department of the Provincial Secretary, any issuer of marriage licenses granting a license without first having obtained the affidavit required by this Act and any person solemnising a marriage contrary to the provisions of this Act shall on summary conviction thereof before two justices of the peace for every such contravention forfeit and pay a fine not exceeding \$100 and costs of prosecution.

R.S.S.1909, c.133, s.19; R.S.S. 1920, c.152, s.19.

### SCHEDULE

#### FORM A

(Section 6)

Canada:  
Province of Saskatchewan,  
To wit:

These are to certify that *A. B.*, of \_\_\_\_\_ and *C. D.*, of \_\_\_\_\_ being minded as it is said to enter into the contract of marriage and being desirous of having the same duly solemnised the said *A. B.* (or *C. D.*) has made oath that he (or she) believes that there is no affinity, consanguinity or any other lawful cause or legal impediment to bar or hinder the solemnisation of the said marriage.

And these are therefore to certify that the requirements in this respect of the Act respecting marriages have been complied with.

Given under my hand at Regina in the Province of Saskatchewan this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

.....  
*Provincial Secretary.*

Issued at \_\_\_\_\_ in the Province of Saskatchewan this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

.....  
*Issuer.*

## FORM B

## (Section 9)

I, A. B. \_\_\_\_\_ bachelor (or \_\_\_\_\_ as the case may be) \_\_\_\_\_  
or \_\_\_\_\_ C.D. \_\_\_\_\_ spinster (or \_\_\_\_\_ as the case may be)  
make oath and say as follows:

1. I, and C. D., of \_\_\_\_\_ spinster (or \_\_\_\_\_ as the case may be) or  
(A. B. of \_\_\_\_\_ bachelor or \_\_\_\_\_ as the case may be) are desirous of  
entering into the contract of marriage and of having our marriage duly solemnised  
at \_\_\_\_\_.

2. According to the best of my knowledge and belief there is no affinity, consanguinity  
or any other lawful cause or legal impediment to bar or hinder the solemnisation  
of the said marriage.

3. I am of the age of \_\_\_\_\_ years and the said C. D. (or A. B.) is of the age of  
\_\_\_\_\_ years.

4. *(In case one of the parties is under the age of twenty-one years add)*

E. F. of \_\_\_\_\_ is the person whose consent to the said marriage is required  
by law and the said E. F. has formally consented to the said marriage.

*(Or if both parties are under age.)*

E. F. of \_\_\_\_\_ and G. H. of \_\_\_\_\_ are the persons whose consent  
to the said marriage is required by law and the said E. F. and G. H. have formally  
consented to the said marriage.

*(Or if in the case of one of the minors there is no person whose consent is required by  
law add according to the facts.)*

The father of the said C. D. (or A. B.) is dead and the mother of the said C. D.  
(or A. B.) is dead and the said C. D. (or A. B.) having no lawfully appointed or  
acknowledged guardian there is no person who has authority to give consent to the  
said marriage.

*(In case both the parties are minors and there is no person whose consent is required  
by law add a similar statement concerning the other party according to the facts.)*

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

Sworn before me at \_\_\_\_\_  
in the Province of \_\_\_\_\_  
Saskatchewan this \_\_\_\_\_  
day of \_\_\_\_\_ 19 \_\_\_\_.

(Signed) I. J.



## MARRIAGE

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## FORM C

(Sections 15 and 18)

## NOTICE OF MARRIAGE

To \_\_\_\_\_  
 of \_\_\_\_\_  
 \_\_\_\_\_ Marriage Commissioner.

I hereby give you notice that a marriage is intended to be had on the \_\_\_\_\_  
 day of \_\_\_\_\_ 19 \_\_\_\_\_. between me and the other party described and named  
 herein.

Name	Condition	Rank or profession	Age	Dwelling place

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_.

(Signed) A. B.

## FORM D

(Section 15)

## DECLARATION OF NONDISQUALIFICATION

We severally do solemnly declare that we know of no lawful impediment of kindred  
 or alliance or other lawful hindrance why we may not be joined in matrimony.

\_\_\_\_\_ of \_\_\_\_\_  
 \_\_\_\_\_ of \_\_\_\_\_  
 \_\_\_\_\_ 19\_\_\_\_\_.

## FORM E

(Section 16)

## MARRIAGE COMMISSIONER'S CERTIFICATE

I, \_\_\_\_\_, marriage commissioner in the Province of Saskatchewan, do hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ notice was duly entered in the marriage notice book kept by me of the marriage intended between the parties therein named and described, delivered under the hand of \_\_\_\_\_ one of the parties that is to say:

Name	Condition	Rank or profession	Age	Dwelling place

Date of notice entered \_\_\_\_\_ 19 \_\_\_\_.

Date of certificate given \_\_\_\_\_ 19 \_\_\_\_.

Witness my hand at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

.....  
*Marriage Commissioner.*

## FORM F

## DECLARATION OF MARRIAGE

We, the persons hereinafter described, declare that marriage according to the rites and ceremonies of the people called (Quakers or Doukhobortsi, *as the case may be*) was contracted by us this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ and we each severally further declare that we know of no lawful impediment of kindred or alliance or other lawful hindrance why we *A. B.* and *C. D.* may not be joined in matrimony.

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(FORM F) *continued.*

## BRIDEGROOM

Name in full.	
Age.	
Place of residence. ( <i>Nearest Post Office.</i> )	
Place of birth.	
Bachelor or widower.	
Profession or occupation.	
Names of parents.	<div style="display: flex; align-items: center;"> <div style="font-size: 2em; margin-right: 5px;">{</div> <div>             Father Mother           </div> </div>

## BRIDE

Name in full.	
Age.	
Place of residence before marriage. ( <i>Nearest Post Office.</i> )	
Place of birth.	
Spinster or widow.	
Names of parents.	<div style="display: flex; align-items: center;"> <div style="font-size: 2em; margin-right: 5px;">{</div> <div>             Father Mother           </div> </div>
Name of owner or occupant of house in which marriage took place, and nearest post office.	
Names and residences of two witnesses.	<div style="display: flex; justify-content: space-between;"> <div>_____ of _____</div> <div>_____ of _____</div> </div>

A. B.

C. D.

In the presence of us

E. F.

G. H.

I certify the foregoing to be true and correct to the best of my knowledge and belief.

Given under my hand at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

I. J.,  
Marriage Commissioner.

FOR HISTORICAL REFERENCE ONLY

## FORM G

(Section 3)

Canada:  
Province of Saskatchewan,  
To wit:

I, \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_ in the Province of Saskatchewan, do hereby certify that banns of an intended marriage between \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_, and \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_, were duly published by me in accordance with the provisions of *The Marriage Act* of the Province of Saskatchewan.

## FORM H

(Section 9 (3))

Degrees of affinity and consanguinity which, under the statutes in that behalf, bar the lawful solemnisation 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. Stepmother
9. Wife's mother
10. Daughter
11. Wife's daughter
12. Son's wife
13. Sister
14. Grandmother
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. Stepfather
9. Husband's father
10. Son
11. Husband's son
12. Daughter's husband
13. Brother
14. Grandson
15. Granddaughter's husband
16. Husband grandson
17. Nephew
18. Niece's husband
19. Husband nephew
20. Husband brother

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

\*By *The Revised Statutes of Canada 1906*, c. 105, it is enacted that "All laws prohibiting marriage between a man and the daughter of his deceased wife's sister where no law relating to consanguinity is violated, are hereby repealed both as to past and future marriages."