

Canon 34

Of the Solemnization of Holy Matrimony

Section 1 Ministers of this Church shall be careful to observe the law of the State governing the civil contract of marriage in the place where the service shall be performed, and they shall conform to the laws of this Church governing the solemnization of Holy Matrimony.

Section 2 No Minister, knowingly after due inquiry, shall solemnize the marriage of any person who has been or is the husband or wife of any other person then living whose marriage has been annulled or dissolved in any way by the civil court for any cause arising after marriage; *Provided, however,* In any case of a person who has been the husband or wife of any other person then living, whose marriage has been annulled or dissolved by a civil court, who shall apply to a Minister of this Church for solemnization of his or her marriage, the Minister shall ascertain all pertinent facts concerning the dissolution, including matters of record, and the actual causes of dissolution, and forward these facts, in writing, to the ordinary with his recommendations, and letters from both parties indicating their understanding of marriage, and by their agreement to abide by Section 4 of this Canon, at least thirty days before the proposed date of marriage. In every case, the Minister shall deliver his personal opinion to the ordinary. Such application shall not be made until a period of not less than one year shall have elapsed since the civil dissolution of the previous marriage. The ordinary shall consider both godly discipline and justice and Christian mercy and charity, and shall deliver his judgment on the petition within thirty days of receiving the same. Should he not deliver his judgment within the stated time, the proposed marriage shall be considered valid. In every case, the proceedings shall be held confidential.

Section 3 No Minister, knowingly after due inquiry, shall solemnize any marriage unless the following conditions are met:

- (1) He shall have ascertained the right of the parties to marry not in violation of any of the following impediments:
 - (a) Consanguinity within the degrees of the Table of Kindred and Affinity in the 1662 edition of the Book of Common Prayer of the Church of England;
 - (b) Mistake as to identity of either party;
 - (c) Mental incompetence or deficiency of either party sufficient to prevent the exercise of intelligent choice;
 - (d) Impotence, sexual perversion, or the existence of venereal disease undisclosed to either party;
 - (e) Facts which would make the marriage bigamous;
 - (f) Concurrent contract inconsistent with the covenant of Holy Matrimony according to the Holy Scriptures and the Canons of the Church;
 - (g) Fraud, coercion, or duress; or
 - (h) The failure of both parties to be baptized;
- (2) There shall be three days notice of intention to marry unless waived for weighty reasons, in which case the ordinary shall be notified immediately and in writing;
- (3) The Minister shall counsel both parties on the Sacrament of Holy Matrimony with respect to theological and social implications and responsibilities.
- (4) There shall be at least two witnesses present; and
- (5) The Minister shall record in the parish register the name, age, and residence of each party. Such record shall be signed by the Minister, the married parties, and at least two witnesses.

Section 4 The Minister shall require the parties to sign the following declaration:

"We, A.B. and C.D., desiring to receive the blessing of Holy Matrimony in the Church, do solemnly declare that we hold marriage to be a lifelong union of husband and wife as it is set forth in the Book of Common Prayer. We believe it is for the purpose of the procreation (if it may be) of children, and their spiritual and physical nurture, for mutual fellowship, encouragement, and understanding, and for the safeguarding and benefit of society, and we do engage ourselves, so far as in us lies, to make our utmost effort to establish this relationship and to seek God's help thereto.

Section 5 It shall be within the discretion of any Minister to decline to solemnize any marriage.