

Marriage
License Fee
Fund.

They also deemed it their duty, while examining the Bill, to call for the instructions given the different Agents or distributors of those Licenses in the country parts of the Province, with respect to the fee they are to take for each License, but have not thought it necessary to extend their inquiry into the origin of the fee in question, nor as to the authority by which it was originally introduced into *Canada*, nor the precise time or circumstances of its introduction.

The fee of twenty shillings to the Governor, on each Marriage License, was authorised in 1780, by a temporary Ordinance of the Legislative Council of the Province of *Quebec*. The Ordinance was limited to two years, and was not renewed; the fee, however, was not only continued, but increased, and without, in so far as your Committee can see, any legal authority for the increase.

The fee on Marriage Licenses, your Committee have to observe, is not uniform throughout the Province; nor are they informed why it is not so, nor of the causes for the variance. In *Upper Canada*, it varies from 30s. to £5,—and even this, according to one of the witnesses called before your Committee, may be increased at the pleasure of the Agent, if he shall think proper to do so, provided he do but transmit to the Secretary 20s. for each License disposed of. In *Lower Canada*, the Agents have been instructed to take 40s., five shillings whereof the Agent keeps as his compensation, remitting the remaining 35s. to the Secretary's Office, whence, after undergoing a deduction for agency, postage, and other charges, the balance finds its way into the Treasury. The more recent instructions to the Agents in *Upper Canada*, authorize but 30s. for the fee on those Licenses, of which 10s. go to the Agent, and the remaining 20s. to the Secretary's Office; but these instructions have not, it seems, been forwarded to all the agents in that quarter, as your Committee collect from the evidence they have taken on the subject, and which they hereunto append for the information of your Honourable House, inasmuch as the Agents are not all guided by those instructions.

A perusal of the evidence appended to this Report, will suffice to show to your Honourable House the prevailing abuses on this subject, and the necessity of Legislative enactments to put an end to them. The Order in Council of the 4th October, 1843, by His Excellency, the Governor General, with respect to the Marriage License Fee Fund, stands already recorded on the Journals of your Honourable House; His Excellency having given it as his decided opinion, that there is no reason for regarding that fund otherwise than as public revenue, to be appropriated only by Parliament; it consequently remains but with the Legislature to give effect to the liberal and just views of the Governor General, and, by enactments, making the fee uniform throughout the Province, and fixing the periods of accounting for the receipts, and for redressing the abuses so long and justly complained of on this subject.

The fund constituted of those fees, though not previously treated as public revenue, has, since the Order above alluded to of His Excellency, the Governor General, been placed under the head of "Casual Revenue" on the Public Accounts, as it long ago ought to have been. The financial difficulties which preceded the Union, and the comprehensive terms of the 54th Section of the Union Act, giving up every branch of revenue in the Province at the disposal of the Crown, leave no room to doubt that the intention of the Imperial Legislature, in appropriating £75,000 annually, of the moneys levied upon the subject in this Province, and enacting "that the same shall be accepted and taken by Her Majesty by way of Civil List, instead of all Territorial and other revenues now at the disposal of the Crown, arising in either of the said Provinces of *Upper Canada* or *Lower Canada*, or in the Province of *Canada*," must have been to reserve none over which the Crown, or the authority representing it in the Colony, had any controul. It is scarcely probable that while the Imperial Parliament increased the Governor's salary from £4,500, at which it previously stood, to the more than ample allowance of £7,000 sterling a year, it also contemplated his retention of a fund drawing from the pockets of the subject upwards of £3,000 additional, by means of the sale of Marriage Licenses, either

for his own emolument, independently of Parliament, or for the benefit of others employed in the Public Service under him.

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The fees formerly allowed the Secretaries in *Upper* and *Lower Canada*, and to other principal officers of the Government, have, since the Union, been funded, and fixed salaries granted in lieu of them to the incumbents. This course appears to your Committee to have been a proper one, and they see no reason why this fund in particular should have been reserved three years beyond the period when properly it became public property, and as such ought to have been paid over to the Treasury.

MINUTES OF EVIDENCE.

WEDNESDAY, 29th January, 1845.

James Sampson, Esquire, called in and examined:—

1. Do you reside at *Kingston*?—I do.
2. Have you the distribution of Marriage Licenses there, and from what office are they sent to you, and with what instructions; and for what district in particular do you distribute Licenses?—I have the distribution of Marriage Licenses at *Kingston*; they are sent to me from the Provincial Secretary's Office. I have had no instructions since the year 1829, when I was first appointed; the instructions I then received were to return for each License £1, and also to return every executed bond at the end of every six months; these instructions were conveyed to me in a private note. I distribute Licenses principally in *Kingston* and the neighbourhood.
3. You say you were directed to return 20s. for each License; have you charged more than that, and if so by what authority?—I never had any instructions as to charge, but I charged £2 in general, £1 of which I remitted to the Secretary. I charged soldiers but £1 10s. I had no authority but my own, and having found it to be the custom of my predecessor when I first took the distribution in hand, I thought myself justified in following it.
4. At what period do you usually account for the receipts on Marriage Licenses?—At present, when Mr. *Harrington* sends me 20 Licenses I return him £20 to cover the same number that have been sold.
5. Do you receive any other compensation for this service?—I do not.
6. How much do you on an average remit annually to the Secretary's Office?—Last year I remitted £120 to the Secretary, which is probably less than the average for the last three years.
7. Did you consider yourself free to demand more than the £2 on Licenses?—Yes, I did.
8. Have you in fact ever demanded or received more?—I never demanded more; but, on two occasions, I received five guineas each.
9. Do you make any charge for the Bonds entered into by applicants for Marriage Licenses?—No, I do not.
10. Is the charge on Marriage Licenses uniform throughout *Upper Canada*?—I think not; those who have been appointed lately as distributors, have been directed not to charge more than £1 10s., £1 of which they are to remit to the Secretary. I believe there is a competition among the distributors, and in some instances they have been given for less than £1 10s.
11. Have you any thing to suggest to the Committee, as to the best mode of providing Marriage Licenses to those having occasion for them, or with respect to the accounting for, and paying over the proceeds upon the sales thereof?—I believe the mode under the present system is a very good one, as far as the punctuality of return is concerned, and I cannot, while the present system exists, suggest any better.