

SESSIONAL PAPER No. 30

Justices acting and residing within such limits by the Constable or other proper Officer within the same.

XXIII. Provided always, and be it further enacted, that if any action or suit, shall be commenced against any person or persons for any thing done or acted in pursuance of this act, then and in every such case, such action or suit shall be commenced or prosecuted within three calendar months after the fact committed and not afterwards, and the defendant or defendants in any such action or suit shall and may plead the general issue, and give this act and the special matter in evidence at any trial to be had there upon, and that the same was done in pursuance and by the authority of the present act, and if the same shall appear to have been so done or if any such action or suit shall be brought after the time limited for bringing the same, then the Jury shall find for the defendant or defendants, or if the plaintiff or plaintiffs shall become non-suit or discontinue his her or their action, after the defendant or defendants shall have appeared, the defendant or defendants, shall and may recover treble costs and have like remedy for the recovery thereof as in any other cases by Law.

XXIV. And be it further enacted by the authority aforesaid that any person who shall be seized of two hundred acres of land or more within this Province, and shall not reside in the said Province, or have any tenants or tenant resident on his said lands; such person shall be liable to pay the sum of twenty shillings per annum, to be applied towards keeping in repair the Kings Highway, and the said sum shall be chargeable on such lands as aforesaid; and they shall be liable for payment of the same for so long as they shall remain unoccupied or be the property of any person not residing within the Province aforesaid.

AN ACT to confirm and make valid, certain Marriages heretofore contracted in the Country now comprized within the Province of Upper Canada, and to provide for the future Solemnization of Marriage within the same.

WHEREAS many Marriages have been contracted in this Province, at a time when it was impossible to observe the forms prescribed by Law, for the Solemnization thereof, by reason that there was no Protestant Parson or Minister duly ordained residing in any part of the said Province, nor any consecrated Protestant Church or Chapel within the same, and whereas the parties having contracted such Marriages, and their issue may therefore be subjected to various disabilities, in order to quiet the minds of such persons, & to provide for the future Solemnization of Marriage within this Province: Be it enacted & declared by the Kings Most Excellent Majesty, by & with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled an Act to repeal certain parts of an Act, passed in the Fourteenth Year of His Majesty's Reign, intituled an Act for making more effectual Provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province, and by the Authority of the same, that the Marriage and Marriages of all persons, not being under any Canonical disqualification to contract Matrimony, that have been publicly contracted before any Magistrate or Commanding Officer of a Post, or Adjutant, or Surgeon of a Regiment, acting as Chaplain, or any other person in any public Office or Employment, before the passing of this Act, shall be confirmed and considered to all intents and purposes as good and valid in law, and that the parties who have contracted such Marriage, and the issue thereof, may become severally entitled to all the rights and benefits, and subject to all the obligations arising from Marriage and consanguinity in as full and ample a manner as if the said Marriages had respectively been Solemnized according to law.