

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.

for their duty,
chargeable on
their lands.

C H A P. V.

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, and to provide for the future solemnization of marriage within this province, Be it enacted and declared by the king's most excellent majesty, by and 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, entitled, "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 marriage had respectively been solemnized according to law.

Preamble.

Marriages
heretofore con-
tracted, before
any person in
public employ-
ment, declared
valid,

and the issue
thereof legiti-
mate.

II. And be it further enacted by the authority aforesaid, That in order to enable those persons who may be desirous to preserve the testimony of such marriage and of the birth of their children, to effectuate the same, it shall and may be lawful at any time within three years from the passing of this act, for any magistrate of the district where any such parties may have contracted matrimony as aforesaid, shall reside, at the request of either of the said parties, to administer the following oath to the husband:

Method of pre-
serving the
testimony of
such marriages

"I A. B. do solemnly swear in the presence of Almighty God, that I did publicly intermarry with C. D.
"at on the day of in the year of our Lord and that there is now living issue of the
"said marriage (as the case may be)

oath of the
husband.

T. B. born on the day of
M. B. born on the day of

And to administer the following Oath to the Wife:

"I C. D. do solemnly swear in the presence of Almighty God, that I did publicly intermarry with A. B.
"at on the day of in the year of our Lord and that there is now living issue of the
"said marriage (as the case may be)

oath of the wife

T. B. born on the day of
M. B. born on the day of