

UPPER
CANADA.

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, intituled, "An Act to repeal certain parts of an Act passed in the 14th 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 or marriages of all persons, not being under any canonical disqualification to contract matrimony, that have been publicly contracted in this Province before any justice of the peace, magistrate, or commanding officer of a post, or before any minister or clergyman, before the passing of this Act, shall be and are hereby confirmed, and shall be considered good and valid in law; and the parties to such marriages, and the issue thereof, shall be entitled to all the rights, and subject to all the obligations resulting from marriage and consanguinity, any law, usage, or custom to the contrary in anywise notwithstanding.

Former marriages confirmed.

Method of preserving testimony of former marriages.

2. And to enable any person who may be desirous to preserve the evidence of their marriage, and of the birth of their children, be it further enacted, by the authority aforesaid, that it shall and may be lawful, at any time within six years after the passing of this Act, for any justice of the peace, at the request of either of the parties, to administer the following oath or affirmation, as the case may be, to the husband and wife, or either of them:—"I, *A. B.* do solemnly swear or affirm (as the case may be), 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), *T. B.* born on the day of *M. B.* born on the day of and that such marriage was solemnized by *M. D.* of the district of ." Which form of attestation shall be subscribed by the party making the same, and certified under the hand and seal of the justice administering the said oath or affirmation, who shall be entitled to receive therefor 1 s.; and it shall be the duty of the clerk of the peace, upon payment of the sum of 2 s. 6 d., to enter and record such attestation, duly certified as aforesaid, in a register or book, to be by him kept for that purpose, and such register, or an attested copy thereof, shall be considered sufficient evidence of such marriage and of the birth of the said children; and the said clerk of the peace is hereby required to give such copy duly certified to any person demanding the same upon payment of 2s.: Provided always, that nothing in this Act contained shall extend, or be construed to extend, to make valid any marriage illegally solemnized, when the parties to such illegal marriage, or either of them, shall have subsequently contracted matrimony according to law.

Former marriages not to be rendered valid where a subsequent marriage has been legally contracted.

Ministers of certain denominations authorized to solemnize matrimony.

3. And be it further enacted, by the authority aforesaid, that it shall and may be lawful for any clergyman or minister of any church, society, congregation, or religious community of persons, professing to be members of the Church of Scotland, Lutherans, Presbyterians, Congregationalists, Baptists, Independents, Methodists, Menonists, Tunkers, or Moravians, who shall be authorized in manner hereinafter mentioned, to solemnize the ceremony of marriage within this Province between any two persons, neither of whom is under any legal disqualification to contract matrimony.

Certificate to be obtained from the quarter sessions by ministers before they can solemnize matrimony.

4. Provided nevertheless, and be it further enacted, by the authority aforesaid, that no person shall be taken or deemed to be a clergyman or minister of such church, society, congregation, or religious community, within the intent and meaning of this Act, who shall not have been regularly ordained, constituted, or appointed, according to the rites and form of such church, society, congregation, or religious community of which he professes to be a clergyman or minister, and unless he shall be a subject of His Majesty, and shall appear before the justices of the district in which he shall reside, in general quarter sessions assembled, and unless he shall produce proof of his ordination, constitution, or appointment as such minister, and shall then and there take the oath of allegiance to His Majesty, which oath the said court shall then and there administer, and thereupon, if it shall appear to the majority of the justices then present that he has been regularly ordained, constituted, or appointed as aforesaid, they are hereby authorized and required to grant him a certificate under the seal of the court, and signed by the chairman and the clerk of the