

Continuance of
this act.

IV. And be it further enacted by the authority aforesaid, that this Act shall be and remain in force until the first day of May one thousand eight hundred and thirty-four, and no longer.

C A P . L I .

AN Act to provide for the proof of the solemnization of Marriages and for the proof of certain Baptisms and Burials in the Inferior District of Gaspé.

[25th February, 1832.]

Preamble.

WHEREAS in the Inferior District of Gaspé many Marriages have been solemnized and many Baptisms and Burials performed of which no Record has been preserved, whereby individuals might hereafter suffer material injury to their rights and property; and that it is expedient to provide a mode of legally ascertaining the solemnization of such Marriages and of proving such Baptisms and Burials: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower 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 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 it is hereby enacted by the authority of the same, that any person intending to cause the solemnization of any Marriage or the performance of any Baptism or Burial; of which no Record exists to be legally ascertained, may within five years from and after the passing of this Act, upon petition to the Judge of the Inferior District of Gaspé, be admitted to make proof before the said Judge of such solemnization and of the fact of such Baptisms and Burials, by the affidavit of two or more credible witnesses.

Persons intending to cause the solemnization of marriages, or the performance of baptisms or burials to be legally ascertained. May be admitted to make proof before the Judge of such marriages, baptisms and burials by two witnesses.

Such Judge upon approving the Petition to make an order, to be served on the Clergyman requiring him to produce his Register.

II. And be it further enacted by the authority aforesaid, that the Provincial Judge, of the said Inferior District, upon approving such petition, shall make an order; copy whereof and of the petition, shall be served upon the Clergyman of the Church of England, of Scotland, of Rome or of any other Christian Congregation as the case may be, requiring him to produce his Register of Marriages, Baptisms and Burials before the said Provincial Judge, who upon proof being made in the manner hereinafter provided, shall order that the Prothonotary or Clerk of the Provincial Court for the said District, do make an entry of Record in the said Register of such

Proviso.

such proof of the solemnization of such Marriage, Baptism or Burial having been made pursuant to this Act: Provided always, that such Clergyman shall not be required or bound to carry or produce his register as aforesaid, out of or beyond the limits of his ordinary pastoral charge.

Entry of record by whom to be signed.

III. And be it further enacted by the authority aforesaid, that every such entry of Record shall be signed by the Provincial Judge, and by the persons making the said affidavit, unless such persons be unable to sign, in which case an entry shall be made in the said Register of the fact of such inability; and that the said Prothonotary or Clerk shall make a like entry in the Register of Marriages, Baptisms and Burials deposited in the Office of the Provincial Court for the said District in the manner above mentioned.

Such entry to have the same force as if made in the form and manner by law provided.

IV. And be it further enacted by the authority aforesaid, that every such entry of Record shall avail and have the same force and effect, as if the same had been made at the time and in the manner and form by law provided.

Who may be competent witnesses to prove such marriages

V. And be it further enacted by the authority aforesaid, that any person of the full age of twenty-one years, and in possession of his civil rights may be a competent witness to prove such Marriage, Baptism or Burial, whether related by consanguinity or by affinity to any person whose Marriage, Baptism or Burial is to be proved by virtue of this Act, or not: Provided nevertheless that neither of the parties to any Marriage, shall be a competent witness to prove his or her own Marriage.

Proviso.

Two witnesses required to prove such marriages, &c.

VI. And be it further enacted by the authority aforesaid, that two witnesses sworn and examined before the Provincial Judge, shall be a sufficient number to prove any such Marriage, Baptism or Burial, and that the Prothonotary of the said Court shall reduce their testimony to writing, and that the affidavits so taken shall remain of Record in the Office of the said Court.

Penalty on persons falsely swearing.

VII. And be it further enacted by the authority aforesaid, that any person wilfully swearing falsely in any such affidavit respecting the solemnization of any Marriage or the proof of any Baptism or Burial, shall, on being thereof lawfully convicted, be deemed and taken to be guilty of wilful and corrupt perjury.

A fee to be paid to the Prothonotary for the entry and also for the affidavit.

VIII. And be it further enacted by the authority aforesaid, that the Prothonotary of such Court shall be entitled to have and receive from the party causing such entry to be made, the sum of two shillings and six pence currency, for such entry and for every such affidavit the sum of two shillings and six pence currency, and no more.