

*Statutes of Upper-Canada, Passed in the third session of the seventh provincial parliament (1818).
From The Provincial Statutes of Upper-Canada, Revised, Corrected, and Republished by Authority
(York, Samuel Smith, 1818)*

58 George III – Chapter 15 (Session 3)

An act further to extend the provisions of an act passed in the thirty-eighth year of his Majesty's reign, entitled, "An act to extend the provisions of an act passed in the second session of the first provincial parliament of Upper Canada," entitled, "An act to confirm and make valid certain marriages heretofore contracted in the country now comprised within the province of Upper Canada, and to provide for the further solemnization of marriage within the same." (Passed 27th November, 1818.)

Whereas it is expedient to extend the benefit of an act passed in the thirty-third year of his Majesty's reign, entitled, "An act to confirm and make valid certain marriages heretofore contracted in the country now comprised within the province of Upper Canada, and to provide for the future solemnization of marriage within the same," to such persons who have neglected to avail themselves of the enactment in the second section of said act, in preserving the testimony of such marriage, and the birth of their children, within three years from the passing thereof; be it 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 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 in order to enable such person or persons who have neglected to avail themselves of the benefit of the said enactment, to preserve the testimony of such marriage, and to effectuate the same, it shall and may be lawful, at any time within three years after the passing of this act, for any magistrate of the district where such parties may have contracted matrimony, declared valid by the said recited act, passed in the thirty-third year of his Majesty's reign, to administer to either of the parties surviving, husband the following oath:

"I, A. B., do solemnly swear in the presence of Almighty Gon, that I did intermarry with C. D. on or about the _____ day of _____ and that there is now living issue of the said marriage (as the case may be) I. B., born on the _____ day of _____ M. B. born on the day of _____."

Which form of attestation shall be subscribed by the parties, if living, or by the surviving husband or wife, and certified under the hand and seal of the magistrate administering the said oath, who shall be entitled to demand and receive one shilling for such certificate; and that it shall and may be lawful for the clerk of the peace of the district, to enter and record, and he is hereby required, upon the payment of two shillings, to enter

and record such attestation duly certified as aforesaid, in a book or register to be by him kept for that purpose, and that such register or any attested copy thereof, which copy the said clerk is hereby required to make out, and on the payment of the sum of two shillings, to deliver to any person requesting the same, shall be held and taken as sufficient evidence of such marriage and the birth of such children, in all his Majesty's courts of law and equity, anything in the said recited act of the thirty-third year of his Majesty's reign contained, to the contrary notwithstanding.