

to supply in certain cases the want of County Courts in this Province” and to make further provision for proceeding to Outlawry in certain cases therein mentioned.

[Passed 14th April, 1821.]

Preamble.

WHEREAS it is expedient to continue an Act passed in the fifty fifth year of His late Majesty's Reign, entitled “An Act to repeal an Act passed in the fifty fourth year of His Majesty's Reign, entitled ‘An Act to supply in certain cases the want of County Courts in this Province and to make further provision for proceeding to Outlawry in certain cases therein mentioned.’” 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 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 said Act, and every clause matter and thing therein contained, shall continue and be in force for eight years and from thence to the end of the then next ensuing Session of Parliament.

55th Geo 3 ch 2, continued for 8 years.

C H A P. X.

An Act to repeal the Laws now in force relative to the preservation of Salmon, and to make further provisions respecting the Fisheries in certain parts of this Province, and also to prevent accidents by fire from persons fishing by torch or fire light.

[Passed 14th April, 1821.]

Preamble.

WHEREAS it is expedient more effectually to provide for the preservation of Salmon within this Province, and to make further regulations for fishing in the Rivers and Creeks thereof: And whereas the provisions of an Act passed in the forty seventh year of His late Majesty's Reign, entitled “An Act for the preservation of Salmon” and also the provisions of another Act passed in the fiftieth year of His late Majesty's Reign, entitled “An Act to extend the provisions of an Act passed in the forty seventh year of His Majesty's Reign, entitled ‘An Act for the preservation of Salmon’” are found inadequate: 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 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 aforesaid Acts, and every matter and thing in the said Acts contained, shall be and the same are hereby repealed.

47th Geo 3 ch 12, and 50th Geo 3 ch 3, repealed.

II. *And be it further enacted by the authority aforesaid, That from and*

after the passing of this Act, it shall not be lawful for any person or persons at any time from the twenty fifth day of October till the first day of January in each and every succeeding year, to take catch or kill any Salmon or Salmon Fry in any manner whatsoever.

Salmon not to be killed or taken between 25 Oct. and 1st of January in any year.

III. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for any person or persons to take catch or kill or to attempt to take catch or kill any fish in any River or Creek within this Province by torch or fire light, within one hundred yards of any Mill or Mill-dam which may now or hereafter be erected on any such Rivers or Creeks as aforesaid.

No person to fish by torch or fire light in any creek within 100 yards of any mill or mill dam.

IV. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for any person or persons at any time to take catch or kill in any manner in the Home District, District of Newcastle and District of Gore of this Province, any Salmon or Salmon Fry, nearer the mouth of any of the Rivers or Creeks along the shore of Lake Ontario, than two hundred yards or within fifty yards up the mouth of any such Rivers or Creeks as aforesaid, except the River Credit in the Home District where it shall not be lawful to take any Salmon by Spear or otherwise less than two hundred yards up the mouth of the said River.

No Salmon or Salmon fry to be taken in the Home, Newcastle or Gore District within a certain distance from the mouth of any creek

exception as to the river Credit.

V. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for any person or persons in either of the Districts aforesaid to take catch or attempt to take or catch, or attempt to take and catch by setting any net or nets, wear or wears, any Salmon or Salmon Fry in any of the Creeks or Rivers in the aforesaid Districts.

No Salmon in those Districts to be taken by setting any net or wear

VI. *And be it further enacted by the authority aforesaid,* That if any person or persons shall be convicted, before any two or more of His Majesty's Justices of the Peace within the District in which such offence or offences shall have been committed, by the oath of one or more credible witness or witnesses other than the informer, of infringing any of the provisions of this Act, such person or persons respectively upon conviction as aforesaid shall forfeit and pay a sum not exceeding five pounds nor less than five shillings for every offence so committed with all reasonable costs both before and after conviction, or in default of payment to be committed to the Common Gaol of such District as aforesaid for a term not more than thirty days nor less than two days, unless the fine and costs are sooner paid.

Penalties for breach of this Act.

VII. *And be it further enacted by the authority aforesaid,* That one half of any such fine as aforesaid, levied or collected, or to be levied or collected by virtue of this Act, shall be given to the informer and the other half shall be paid into the hands of His Majesty's Receiver General to and for the public uses of this Province to be accounted for to His Majesty through the Lords Commissioners of His Majesty's Treasury for the time being in such manner and form as His Majesty shall direct.

Distribution of fines.

VIII. *Provided always nevertheless, and be it further enacted by the authority aforesaid,* That nothing in this Act contained, shall extend or be construed to extend to any other part of the District of Gore aforesaid, than so much of said District as is comprised within the Township of Trafalgar and that part of the Township of Nelson which lies north of the Beach between Burlington Bay and Lake Ontario: provided that nothing in this Act contained shall extend or be construed to extend to prevent the Indians fishing as

Exception as to part of the District of Gore.

Indians not restrained

by this Act except as to
fishing by torch light
near mills, &c.

heretofore when and where they please except within one hundred yards of
a Mill or Mill-dam by fire or torch light.

C H A P. XI.

An Act for the more certain punishment of persons illegally solemnizing Marriage within this
Province.

[Passed 14th April, 1821.]

Preamble.

FOR the more certain punishment of persons illegally solemnizing Mar-
riage within this Province, Be it enacted by the King's Most Excel-
lent 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 if any Parson, Minis-
ter or Clergyman legally authorized to solemnize Marriage within this Pro-
vince, shall, after the passing of this Act, knowingly or wilfully solemnize
Marriage without publication of banns, unless license of Marriage be first
had and obtained from some person having authority to grant the same, or
if any Justice of the Peace in this Province, shall after the passing of this
Act knowingly solemnize Marriage contrary to Law, or if any person not
having authority by Law to solemnize Marriage within this Province, shall,
after the passing of this Act, marry any persons within the same, such Par-
son, Minister, Clergyman, Justice of the Peace, or person respectively so
offending shall be guilty of a misdemeanor, any thing in a certain Act of the
Parliament of Great Britain passed in the twenty-sixth year of the Reign of
King George the Second, entitled "An Act for the better preventing of clan-
destine Marriages" to the contrary thereof in any wise notwithstanding.
Provided always nevertheless, that such offence shall not be cognizable at any
Court of Quarter Sessions in this Province; and *Provided also*, that no pro-
secution shall be commenced after two years from the offence committed.

Persons solemnizing
marriage illegally to be
deemed guilty of a mis-
demeanor.

Quarter Sessions not
to have jurisdiction over
such offence.
Prosecution must be
within two years.

Proof of legal autho-
rity to solemnize mar-
riage shall be on def.

II. *And be it further enacted by the authority aforesaid*, That in all cases of
prosecution under this Act wherein the legal authority of any person to so-
lemnize Marriage within this Province, shall come in question, the proof of
such authority shall lie upon the Defendant.

C H A P. XII.

An Act to render legal certain Small Notes and Inland Bills of Exchange within this Province.

[Passed 14th April, 1821.]

Preamble.
British Statutes 15 &
17 Geo 3. respecting mar-
riage shall be on def.
small notes and bills of

WHEREAS the provisions of a certain Act of the Parliament of Great
Britain passed in the fifteenth year of His late Majesty's Reign, en-
titled "An Act to restrain the negotiation of Promissory Notes and Inland
Bills of Exchange under a limited sum within that part of Great Britain call-