

Laws of His Majesty's Province of Upper Canada, passed in the year 1821. York: R. C. Horne, 1821.

2 George IV – Chapter 11

An Act for the more certain punishment of persons illegally solemnizing Marriage within this Province. Passed 14th April, 1821.

For the more certain punishment of persons illegally solemnizing Marriage within this Province, 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 if any Parson, Minister or Clergyman legally authorized to solemnize Marriage within this Province, 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 Parson, 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 clandestine 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 prosecution shall be commenced after two years from the offence committed.

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 solemnize Marriage within this Province, shall come in question, the proof of such authority shall lie upon the Defendant.