

An Act concerning *Marriages* and *Divorce*,
and for punishing *Incest* and *Adultery*, and de-
claring *Polygamy* to be *Felony*.

B *It enacted by His Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That any Person presuming to officiate in Solemnizing any Marriage, before Notice of the Parties Intention of Marriage shall be publickly given, on three several Sundays or Holy Days, in Time of Divine Service, in some Congregation within the Town or Towns, where each of the Parties do reside, or for which Marriage Licence shall not have been obtained, under the Hand of the Governor or Commander in Chief of the Province for the Time being, shall forfeit and pay to the Use of His Majesty's Government, Fifty Pounds, to be recovered by Bill, Plaint or Information, in any of the Courts of Record within this Province.*

And be it further enacted, That if any Clergyman, officiating as such in any Congregation in the Town or Towns, where the Parties reside, shall neglect or refuse to make or cause to be made such Publication when thereunto reasonably requested, he shall forfeit the Sum of Fifty Pounds, to be recovered in manner aforesaid; And be subject nevertheless to an Action of Damages, to be brought by any of the Parties aggrieved.

And be it further enacted, That if any Clergyman shall refuse to marry any Persons requesting him thereto, and making known to him that they have been duly published, or have obtained a Licence as aforesaid, he shall forfeit the Sum of Fifty Pounds, to be recovered in manner aforesaid, and be subject to the like Action of Damages.

And be it further enacted, That if any Person, being married, do marry again the former Husband or Wife being alive, such Offence shall be Felony.

Provided nevertheless That the foregoing Clause of this Act, shall not extend to any Person whose former Marriage has been declared void, who has obtained a Divorce by any Sentence had before the Governor,

and Council ; nor shall any Attainder for this Offence work any Corrupti-
on of Blood, Loss of Dower, or Disinheriton of Heirs.

And be it further enacted, That all Matters relating to prohibited
Marriages and *Divorce*, shall be heard and determined by the Governor,
or Commander in Chief for the Time being, and His Majesty's Council
of this Province.

And be it further enacted, That no *Marriage* shall be declared null
and void, except for the Cause of Impotence, or of Kindred within the
Degrees prohibited in an Act made in the *Thirty Second Year of King*
HENRY the Eighth, intituled *An Act concerning Precontracts and touching*
Degrees of Consanguinity; And that no Decree for *Divorce* shall be
granted for any other than the *two* foregoing and the *two* following Causes,
viz. That of *Adultery*, and That of *wilful Desertion* and withholding
necessary Maintenance for three Years together; in any of which Cases e-
very Person suing for a *Divorce*, shall be intituled to a Decree for that
Purpose, to be obtained from the Governor or Commander in Chief for
the Time being, and His Majesty's Council, who shall have full Power
and Authority to grant the same.

And be it further enacted by the Authority aforesaid, That every Man
and Woman who shall Carnally know each other, being within the De-
grees of Kindred forbidden in the aforesaid Act, and shall be convicted
thereof before *His Majesty's Supream Court of Judicature, Court of Assize*
and General Goal Delivery, or Court of *General Quarter Sessions* of the
Peace, shall be set in the Pillory for the Space of *one Hour*, and further
shall forfeit the Sum of *Fifty Pounds*, to the Use of His Majesty's Govern-
ment, or suffer *six Months* Imprisonment.

And be it further enacted, That every Person who shall commit *Adultery*,
and shall be thereof convicted before any of His Majesty's Courts aforesaid,
shall forfeit to the Use aforesaid the Sum of *Fifty Pounds*, or suffer *six*
Months Imprisonment, and to be subject *nevertheless* to an Action of Da-
mages by any of the Parties aggrieved.

