

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Monday, the Second Day of October, 1758, and in the 32nd year of His Majesty's Reign.

32 George II – Chapter 17

An Act concerning Marriages and Divorce and for punishing Incest and Adultery, and declaring Polygamy to be Felony.

Be 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 publicly 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 where 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 tend to any person whose former marriage has been declared void, who had obtained a divorce by any sentence had before the governor, and council; nor shall any attainder for this offence work any corruption of blood, loss of dower, or disinherison 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 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 every person filing for a divorce, shall be intitled 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 degrees 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 government, 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 Damages by any of the parties aggrieved.