

building and repairing such dikes and wears as are necessary to prevent inundations, and for the drowning and draining of swamps, and other unprofitable grounds; or to exercise any of the other powers and authorities given to them, the said Commissioners, in and by the said Act, otherwise than upon application from, and at the request of, such a number of the proprietors, whose rights and shares in such dyked land, marsh, swamp or other unprofitable ground, when added together will amount to more than the one half part of such dyked land, marsh, swamp or other unprofitable ground; any thing in the before-mentioned Act to the contrary notwithstanding.

Not to extend to prevent the Commissioners from proceeding to drain, or repair breaches in, any lands now dyked.

II. *Provided always*, That nothing in this Act contained shall extend, or be construed to extend, to prevent the Commissioners of Sewers from proceeding to drain or repair breaches made in any lands now dyked in the manner directed and prescribed by the Act of which this is an amendment.

CAP. V.

An ACT to render and make valid, certain Marriages, heretofore solemnized before Magistrates, and other Lay Persons.

For Acts on this subject, see note on 32d Geo. 2d. cap. 17.

Preamble.

WHEREAS in some parts of this Province, owing to the remote situation of the inhabitants from any Clergyman, in the early settlement of the same, divers marriages have been heretofore irregularly solemnized, before Magistrates, and other Lay Persons, otherwise than as by law required:

Marriages before Magistrates and Lay Persons, made valid.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly, and it is hereby enacted*, That all marriages heretofore solemnized before Magistrates, and other Lay Persons, in the presence of one or more credible witness or witnesses, and where the parties so married, have co-habited together, shall be deemed, and taken, lawful, and of as much force and validity, as if the same had been solemnized before a Minister of the Church of England, with all the forms required by law.

Issue of such marriages made legitimate.

II. *And be it further enacted, by the authority aforesaid*, That the issue of such marriages, hereby made valid, shall be, and the same are hereby made, legitimate, to all intents and purposes whatsoever.

Magistrates, &c. who have solemnized such marriages, indemnified from penalty.

III. *And be it further enacted*, That all Magistrates, and other Lay Persons, who before the publication of this Act, shall have solemnized any of the marriages, which are hereby enacted to be valid, shall be, and they are, hereby indemnified against the penalties, to which they are otherwise by law subject.