

monies shall be ordered out of the said treasurer's hands, by the said committee.

*Be it further enacted,*

Paragraph in a former act, repealed. 1765-66, chap. 13, § 3.

[SECT. 7.] That the paragraph in the act incorporating the inhabitants of Ashfield into a town by the name of Ashfield, directing how taxes should be raised, for the purposes therein mentioned, and every part thereof, be and hereby is repealed.

*Be it further enacted,*

The inhabitants to pay for finishing of the meeting-house, &c.

[SECT. 8.] That the inhabitants of the town of Ashfield aforesaid, exclusive of the Baptists there, be at the charge of finishing the meeting-house in said town, and supporting the said Mr. Sherwin for the future.

*Be it further enacted,*

Exempted from paying province and county taxes, for three years.

[SECT. 9.] That, by reason of the unhappy difficulties that have arisen of late in the said town of Ashfield, and their poverty, the inhabitants of the said town, and their estates, be and hereby are exempted from paying province and county taxes for the space of three years next coming.

*Be it further enacted,*

Charges of the committee, &c., to be paid by order of court.

[SECT. 10.] That the services of the aforesaid committee, which they shall perform, and of the collector or collectors, by virtue of this act, shall be paid as the general court shall hereafter order.

*Be it further enacted,*

The committee to adjust Mr. Sherwin's accounts, &c.

[SECT. 11.] That the committee aforementioned shall be and are hereby empowered to adjust the accounts of Mr. Sherwin's settlement, and building the meeting-house, and the charges and expences incurred in and about the same, and other necessary and occasional charges that have arisen in and upon said town since their incorporation; and if they find the Baptists have paid more than their proportion of the same, according to the conditions of the grant of said township, then they shall be reimbursed out of the first assessment that said committee, or the major part of them, shall order; the assessment to be enlarged for that purpose.

*Provided, always, —*

*And be it further enacted,*

Proviso for creditors to the proprietors.

[SECT. 12.] That no judgment or opinion of the said committee, appointed by this act to enquire and judge of the debts, due from the said proprietors to any particular person or persons, creditors to the said proprietors, shall ever operate, or be construed, to bind or conclude such creditor or creditors as to the quantum of his just or legal demands upon them, or to bar such creditor or creditors from controverting or trying the same in law. [Passed and published March 6, 1773.]

## CHAPTER 31.

AN ACT IN FURTHER ADDITION TO AN ACT INTITLED "AN ACT FOR THE ORDERLY CONSUMMATING OF MARRIAGES," MADE AND PASSED IN THE FOURTH YEAR OF THEIR LATE MAJESTIES KING WILLIAM AND QUEEN MARY.

Preamble. 1692-93, chap. 25. 7 Mass., 54. 127 Mass., 463.

WHEREAS the ministers of the Church of England, within this province, have no power by law to join persons in marriage who do not belong to the towns in which such ministers themselves dwell, —

*Be it therefore enacted by the Governor, Council and House of Representatives,*

[SECT. 1.] That from and after the [20<sup>th</sup>] [twentieth] day of March [1773] [one thousand seven hundred and seventy-three], it shall be lawful for any minister of the Church of England to join any person in marriage, that may lawfully enter into such a relation, who usually and frequently attend the worship of God with such minister on Lord's Days, the ministerial taxes of which persons he has a right by law to receive, although such persons do not belong to the town in which such minister himself dwells: *provided*, they produce a certificate to such minister of their having been published agre[e]able to the laws of this province.

Ministers of the Church of England may join persons in marriage that belong to other towns, besides that in which they reside;

[And] *be it further enacted,*

[SECT. 2.] That where any minister of the Church of England is himself to be married, or where such minister shall be removed by death, or otherwise, so that the religious society of Christians in which he presided shall be destitute of a minister, it shall be lawful in such cases for the next minister, within the province, of the same denomination, to join in marriage the minister, or any of the people constituting such religious society, who may lawfully enter into such a relation, when they may become destitute, as aforesaid; certificates of publishment, agre[e]able to the laws of this province, being first produced, as aforesaid.

—may join in marriage persons that do not attend their ministry, in cases.

*And whereas* the treasurers of the counties, who, only, are appointed to sue for and recover the fine of fifty pounds forfeited by such as presume to join persons in marriage contrary to the laws of this province, have been negligent of their duty, and more effectual provision is necessary to be made,—

Preamble.

*Be it further enacted,*

[SECT. 3.] That every justice, minister, or other person, who shall solemnize marriages contrary to this or any former act, now in force, shall not only be liable to the suit or action of the parent, guardian, or others whose immediate care and government either of the parties were under at the time of such marriage, for the recovery of damages, but such parent, guardian, or others whose immediate care and government either of the parties were under, or either of the selectmen of the town where such offence may be committed, shall have, and there is hereby given them, as full and ample power to sue for and recover the fine aforesaid as the county treasurers, respectively, now have; the same to be recovered in like manner, and to be applied to the same purpose, as is by law already provided. [Passed and published March 6, 1773.]

The fine for marrying contrary to law, may be sued for by parents, guardians, selectmen, &c.

## CHAPTER 32.

AN ACT IN ADDITION TO AN ACT INTITULED "AN ACT TO LIMIT AND DIRECT IN SUING OUT EXECUTIONS UPON JUDGMENTS OF COURTS."

WHEREAS, in and by an act made and passed in the sixteenth year of his late majesty King George the Second, intituled "An Act to limit and direct in suing out executions upon judgments of courts," it is enacted, "That, when judgment shall be given in any court of

Preamble.  
1741-42, chap.  
22.