

*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.

Reciting an Act  
of 16th George  
II.

record, the party obtaining it may sue out execution thereon at any time within a twelvemonth, and afterwards renew it as often as occasion shall require; and where any execution shall be returned without any satisfaction made, or satisfied only in part, the clerk of the said court, within a twelvemonth after the return thereof into the office, may, *ex officio*, renew or make out an *alias* or *pluries* execution for the whole or the remainder, as the case may be, till the judgment be fully satisfied; but, if the party shall neglect to sue out his execution, *alias* or *pluries*, within the times afore limited, he shall sue out a writ of *scire facias*, and cause the adverse party to be served therewith, or an attested copy thereof to be left at his dwelling or place of usual and last abode, seven days, inclusive, before the court's sitting, requiring him to shew cause, if any he have, why execution ought not to be done; and, upon his non-appearance, or not shewing sufficient cause, the court shall award execution for what remaineth, with additional cost;” and *whereas*, also, when judgment is rendered, if the party obtaining it dies, no execution can be sued out thereon, without a writ of *scire facias* being first brought and prosecuted with effect; and because, upon a writ of *scire facias*, neither the goods or estate of the debtor can be attached, nor his body taken, the debt may be lost, —

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

Method for  
regulating ex-  
ecutions.

That when judgment is given in any court of record, and remaineth in force, the party obtaining it, his or their executors or administrators, may, instead of a writ of *scire facias*, have and maintain an action of debt upon such judgment, in the same court where the record thereof remaineth. [*Passed and published March 6, 1773.*]

## CHAPTER 33.

### AN ACT FOR SECURING THE SEASONABLE PAYMENT OF TOWN, DISTRICT, AND PRECINCT, RATES OR ASSESSMENTS.

Preamble.

WHEREAS the method directed to by law, and heretofore practised by the receivers or treasurers of towns, districts and precincts, has been to sue for and recover town, district, and precinct, rates and assessments, or the arrears thereof, by mean process against the constables or collectors to whom they were committed to be gathered, who neglected their duty therein, whereby the payment of such rates or assessments into the respective town, district, or precinct, treasurers has been greatly delayed, to the grievous damage of many places; to prevent which for the future, —

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

Town treasurers empowered to issue warrants against constables and collectors that are deficient in collecting rates.

[SECT. 1.] That if the constable or collector of any town, district or precinct within this province, to whom any town, district, or precinct, rates or assessments have been, or may hereafter be, committed to collect, shall be remiss in his duty by law required, and neglect to collect, such rates and assessments as have been or may hereafter be committed to him to collect, and pay the same to the receiver or treasurer of such town, district or precinct, by the time fixed in the warrant to him directed, or within one-month next after the expiration thereof, such treasurer or receiver is hereby empowered, by warrant under his hand and seal, directed to the sheriff of