

cient cause be not shewn to the court, the former judgement shall be affirmed and execution granted accordingly; the costs of [the] [this] tryal to be added unto the same: *provided*, that the said writ of *scire facias* be served seven days inclusive before the court's sitting.

And be it further enacted by the authority aforesaid,

[SECT. 3.] That after one year expired next after giving judgement in any court of record within this province, no execution for such judgement shall be issued out until a writ of *scire facias* hath been granted out of the same court and served upon the adverse party as is before directed, or left by the sheriff, his under-sheriff or deputy, at his dwelling or place of usual and last abode, requiring him to appear and shew cause (if any he have) why execution ought not to be done. And upon his non-appearance, or not shewing of sufficient cause as aforesaid, the court shall thereupon award execution. [*Passed November 8.*]

No execution after one year expired, to be granted without a *scire facias*.

CHAPTER 25.

AN ACT FOR THE ORDERLY CONSUMMATING OF MARRIAGES.

Be it ordained and enacted by the Governour, Council and Representatives in General Court assembled, and by the authority of the same,

[SECT. 1.] That every justice of the peace within the county where he resides, and every settled minister in any town, shall and are hereby respectively impowred and authorized to solemnize marriages, within their respective towns and counties, betwixt persons that may lawfully enter into such relation, having the consent of those whose immediate care and government they are under, and being likewise first published by asking their banns at three several publick meetings in both the towns where such parties respectively dwell, or by posting up their names and intention at some publick place in each of the said towns, fairly written, there to stand by the space of fourteen days, and producing certificate of such publishment under the hand of the town clerk or constable of such towns respectively. And the fee to be paid for every marriage, shall be three shillings, and for publishment and certificate thereof, one shilling.

Justices or ministers respectively to solemnize marriages. 7 Mass. 54.

Publishment, how to be made.

Fee for marriage, &c.

And be it further enacted,

[SECT. 2.] That whoever shall presume to deface or pull down any such publishment posted up in writing, before the expiration of the time, shall be fined to the use of the poor of the town, the sum of ten shillings, being convicted thereof before one or more justices of the peace; and if the party be unable to pay the said fine, then to be set in the stocks one whole hour.

Penalty for pulling down publishments.

[SECT. 3.] And every justice and minister shall keep a particular register of all marriages solemnized before any of them, and make a return thereof at the end of each quarter of a year unto the clerk of the sessions of the peace within the same county, to be by him registered; who is hereby impowred thereto, and shall be paid by every such justice and minister, threepence for each marriage so returned.

Marriages to be registered. 10 Allen, 164.

And it is further enacted by the authority aforesaid,

[SECT. 4.] That all controversies concerning marriage and divorce shall be heard and determined by the governour and council.

Divorce.

[*Passed November 3.*]