

And if any man or woman shall intermarry within the degrees aforesaid, every such marriage shall be deemed, taken and adjudged incestuous, and shall be null and void.

SEC. 2. *Be it further enacted,* That all marriages, where either of the parties shall have a former wife or husband living at the time of such marriage, and all marriages between any white person and any Negro, Indian or Mulatto shall be absolutely void.

Certain other marriages to be void.

SEC. 3. *Be it further enacted,* That every Justice of the Peace, and also every ordained Minister of the Gospel, who shall be duly appointed and commissioned for that purpose by the Governor, with the advice of Council, be, and they respectively are authorized and empowered to solemnize marriages within the county, where they reside, between persons who may lawfully enter into that relation, when one or both of the parties are resident within the county in which such Justice or Minister resides.

Persons authorized to solemnize marriages.

SEC. 4. *Be it further enacted,* That the Governor with the advice of Council be, and he is authorized to appoint and commission such ordained Ministers of the Gospel, as the public good may require, to solemnize marriages within the county in which they may reside, who shall hold the said office during his pleasure: and said commission shall be conclusive evidence, that the person therein named is an ordained Minister of the Gospel; and whenever said commission shall be revoked, an attested copy of such revocation shall be filed in the office of the Clerk of said county.

Governor to appoint and commission ordained ministers to marry.

SEC. 5. *Be it further enacted,* That all persons desiring to be joined in marriage, shall have such their intentions published at three public religious meetings, on different days, at three days distance exclusively, at least, from each other, in the town or plantation wherein they respectively dwell; or shall have their intentions of marriage posted up by the Clerk of such town or plantation, fourteen days in some public place, within the same town or plantation, fairly written; and shall also produce to the Justice or Minister, who shall be desired to marry them, a certificate of such publishment, under the hand of the Clerk of such town or plantation respectively; and where a male under twenty one years, or a female under eighteen years of age, is to be married, the

Intentions of marriage to be published, &c.

Certificate to be delivered to Minister or Justice.

Consent of parent or guardian necessary in certain cases.

consent of the parent, guardian or other person, whose immediate care and government such party is under, if within the State, shall be first had to such marriage. And in case the parties or either of them, live in a town or place, where there shall be no Clerk, then publishment shall be made in the town next adjoining, in manner aforesaid, and a certificate from the Clerk of the same town, of such publishment, shall be produced as aforesaid, previous to their marriage.

Publishment
in adjoining
town in case.

If banns are
forbidden
what proceed-
ings must be
had.

SEC. 6. *Be it further enacted,* That if at any time the banns of matrimony betwixt any persons shall be forbidden, and the reasons thereof assigned, in writing, by the person so forbidding the same, left with the town or plantation Clerk, he shall forbear issuing a certificate as aforesaid, until the matter shall have been duly inquired into, and determined before two Justices of the same county, quorum unus: *Provided,* The person forbidding the banns, shall, within seven days after filing the reasons as aforesaid, apply unto two Justices as aforesaid, and procure their determination thereon: unless the said Justices shall certify unto the said Clerk, that a further time is necessary for their determination on the reasons filed; in which case the Clerk shall forbear issuing a certificate, until the time then certified to be necessary shall expire, unless the Justices shall sooner determine; according to whose determination, the Clerk shall govern himself herein; and if the said Justices shall determine, that the reasons assigned by the person forbidding the said banns, were not supported by the laws of the State, then the person so forbidding shall pay all the costs that may have arisen in consequence of such objection; and the said Justices shall make up judgment and issue execution accordingly.

Penalty for
pulling down
publishment.

For marrying
persons con-
trary to law.

SEC. 7. *Be it further enacted,* That if any person shall deface or pull down any publishment posted up in writing as aforesaid, before the expiration of the said fourteen days, he shall forfeit and pay the sum of four dollars, to the use of the town. And if any Justice of the Peace or Minister, shall, otherwise than is expressly allowed and authorized by this Act, join any persons in marriage, they shall severally forfeit and pay the sum of one hundred dollars, two third parts