

and to the number and character of the Clergymen who have urged it to your Notice.

On the present occasion, the Committee have thought it necessary to present in the first place,—for the information of the Assembly—an Abstract of the several Laws, applicable to the question, and of the proceedings in former Sessions: accompanied with copies of several dispatches from His Majesty's Secretaries of State for the Colonies. These Documents accompany the Report.

After the best attention which the Committee have been able to give to the early Laws respecting Marriages and particularly to the 3d Section of the Act of 1758 they cannot avoid coming to the conclusion—that the words of this Section are entirely at variance with the opinion—that Licenses for Marriage were, at that time, or under this Law, granted to any particular Minister; or confined to any particular form of celebration.—For it is expressly enacted, “*That if any Clergyman shall refuse to Marry Persons requesting him thereto, and making known to him, that they have obtained a license as aforesaid, he shall forfeit £50*”—What that License is, the first Section specifies by designating it a *License for Marriage, under the hand of the Governor*: and a Penalty is attached to *any person presuming to officiate in Solemnizing any Marriage* without publication in some *Congregation within the Town or Towns where each of the parties do reside.*” It would seem that the practice of New England, from which the principal part of our early Laws are evidently copied, had been adopted in respect to Marriages; and the close connexion existing between that Colony and this, previous to the American War, appear to have brought into use here, the manners and customs of the former, and more established Government.

That the analogy between our Laws relating to Marriage and those of that Province, may more distinctly appear, the Committee annex copies of the early Acts of Massachusetts on the subject; and beg to refer to the subjoined extract, from the Historian of that Colony, upon this part of its Institutions.

If it be correct that our early enactments in this matter adopted the practice of New England, the terms used in these Laws are satisfactorily elucidated; and a strong inference must follow against the asserted right of the Clergy of the Church of England, to have licenses directed to them *alone*, and under the *condition* that the ceremony be *solemnized* according to their *peculiar rites*. The Committee regret that they cannot obtain the form of the Marriage License, first used here; but if any alteration has taken place in it, (such has been suggested was in fact the case) they conceive that change was either sanctioned or confirmed, if not commenced, by the subjoined Dispatch of the Duke of Portland; which—referring in truth only to the *right* to the *License*, as  
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