

MAINE STATE LEGISLATURE

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DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1858.



AUGUSTA:

STEVENS & SAYWARD, PRINTERS TO THE STATE.

1858.

THIRTY-SEVENTH LEGISLATURE.

HOUSE.]

[No. 2.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
FIFTY-EIGHT.

AN ACT to amend chapter 59 of the Revised Statutes,
relating to marriage and its solemnization.

*Be it enacted by the Senate and House of Representa-
tives in Legislature assembled, as follows:*

SECTION. 1. Section five of chapter fifty-nine of
2 the revised statutes, is hereby amended by striking out
3 all after the word "shall" in the second line, and
4 inserting the words following: "cause notice of their
5 intentions to be entered, before their marriage, in the
6 office of the clerk of the city, town or plantation in
7 which they may respectively reside; and if there be
8 no such clerk in the place of their residence, the like
9 entry shall be made with the clerk of an adjoining

10 town or plantation," so that said section, as amended,
11 shall read as follows:

12 *Sect. 5.* All residents of this State intending to be
13 joined in marriage, shall cause notice of their inten-
14 tions to be entered, before their marriage, in the office
15 of the clerk of the city, town or plantation in which
16 they may respectively dwell; and if there be no such
17 clerk in the place of their residence, the like entry
18 shall be made with the clerk of an adjoining town or
19 plantation.

SECT. 2. Said chapter is further amended by strik-
2 ing out section six, and instead thereof inserting the
3 following section:

4 *Sect. 6.* The clerk shall deliver to the parties a
5 certificate, under his hand, specifying the time when
6 notice of the intentions of marriage was entered with
7 him, which certificate shall be delivered to the min-
8 ister or magistrate, in whose presence the marriage is
9 to be contracted, before he shall proceed to solemnize
10 the same; *provided*, that no clerk shall issue such
11 certificate to a male under twenty-one, or a female
12 under eighteen years of age, unless the parties apply-
13 ing for said certificate shall first present to him the
14 written consent of the parents or guardians of such
15 applicant, if any they have residing within this State,

16 that such certificate may issue; or to any town pauper,
 17 when the overseers of the poor of any town or city
 18 shall deposit a list of the names of the paupers of
 19 such town with said clerk.

SECT. 3. If any town clerk delivers to any person
 2 a certificate of the intention of matrimony, in viola-
 3 tion of the provisions of the preceding section, or
 4 shall so deliver a certificate falsely stating the resi-
 5 dence of either party named therein, he shall be fined
 6 twenty dollars.

SECT. 4. Section nine of the aforesaid chapter is
 2 amended by striking out the word "preceding" in
 3 the second line, and inserting after the word "pro-
 4 visions" the following words: "of sections one, two,
 5 three and four of this chapter," so that said section,
 6 as amended, shall read as follows:

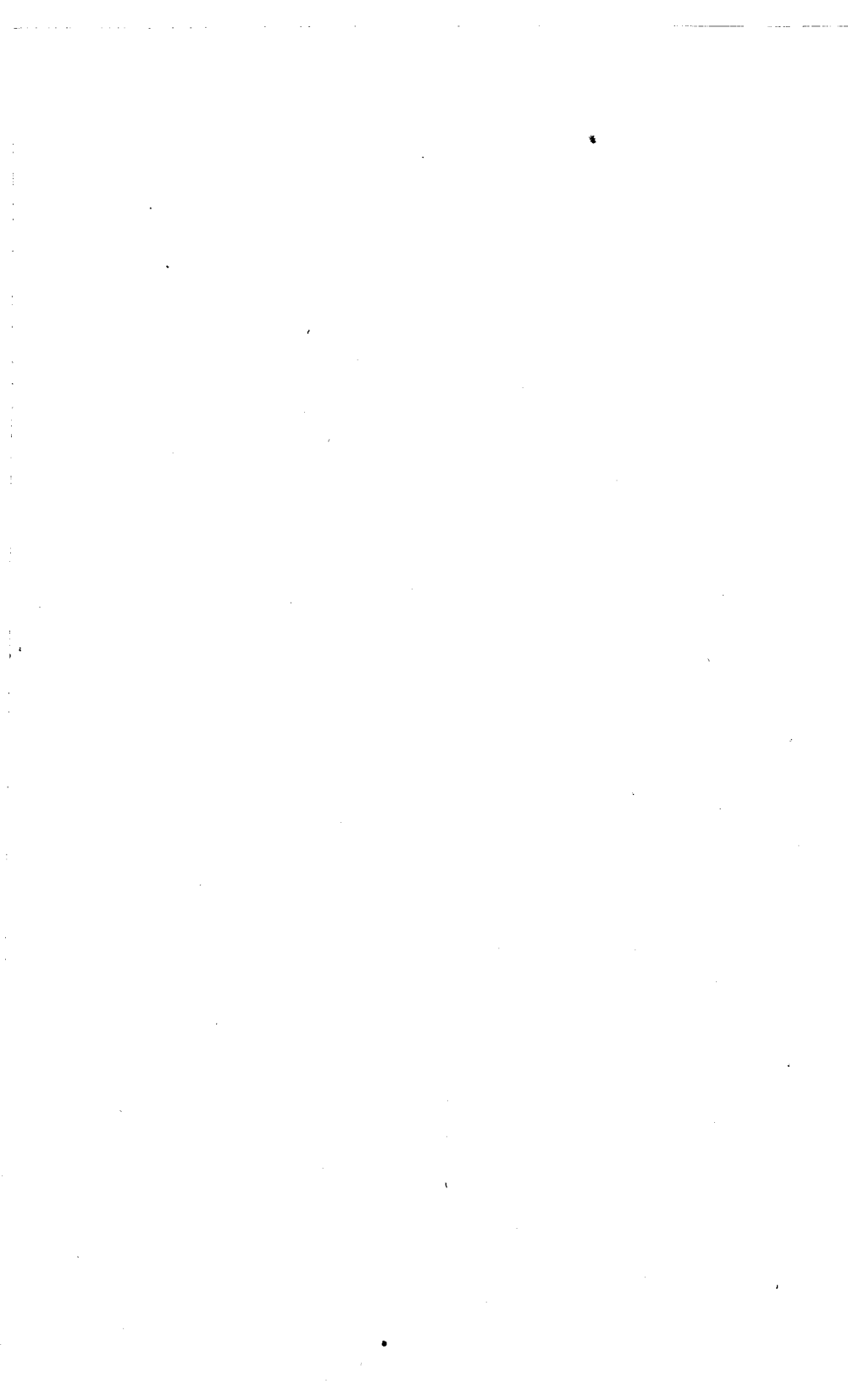
7 *Sect. 9.* When residents of this State, with intent
 8 to evade the provisions of section one, two, three and
 9 four of this chapter, and to return and reside here, go
 10 into another state or country, and there have their
 11 marriage solemnized, and afterwards return and reside
 12 here, such marriage shall be void in this State.

SECT. 5. If any person shall contract a marriage,
 2 or make false representations to the clerk in order to
 3 procure a certificate, or procure the solemnization

4 thereof, within this State, contrary to the provisions
5 of this act, or the act to which this is additional, he
6 shall be fined one hundred dollars.

SECT. 6. This act shall take effect when approved
2 by the Governor.





STATE OF MAINE.

HOUSE OF REPRESENTATIVES, January 26, 1858.

On motion of Mr. BICKNELL of Augusta, this bill having been twice read, was laid on the table, and three hundred and fifty copies of the bill ordered to be printed for the use of the Legislature.

GEORGE W. WILCOX, *Clerk.*