

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE,

1858.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February  
26, 1840, and March 16, 1842.  
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AUGUSTA:
STEVENS & SAYWARD, PRINTERS TO THE STATE.

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1858.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1858.

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An act to amend chapter fifty-nine of the revised statutes relating to marriage and its solemnization.

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

Ch. 59, sect. 5,  
R. S. amended.

SECT. 1. Section five of chapter fifty-nine of the revised statutes, is hereby amended by striking out all after the word "shall" in the second line, and inserting the words following: "cause notice of their intentions to be recorded in the office of the clerk of the city, town or plantation in which they respectively reside, at least five days before a certificate of such intentions shall be granted; and the book in which said record is made, shall be labelled on the outside of the cover thereof, with the words, 'record of intentions of marriage,' and be kept open to public inspection in the office of the clerk; and if there be no such clerk in the place of their residence, the like entry shall be made with the clerk of an adjoining town or plantation," so that section five of the revised statutes shall read as follows:

Notice of intention of marriage, how to be recorded.

SECT. 5. All residents of this state intending to be joined in marriage, shall cause notice of their intentions to be recorded in the office of the clerk of the city, town or plantation in which they respectively reside at least five days before a certificate of such intentions shall be granted; and the book in which said record is made shall be labelled on the outside of the cover thereof, with the words "record of intentions of marriage" and be kept open to public inspection in the office of the clerk, and if there be no such clerk in the place of their residence, the like entry shall be made with the clerk of an adjoining town or plantation.

Book of record to be labelled and kept open to inspection.

Ch. 59, sect. 6,  
R. S. amended.

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

Clerk to give certificate.

SECT. 6. The clerk shall deliver to the parties a certificate, under his hand, specifying the time when notice of the intentions of marriage was entered with him, which certificate shall be delivered to the minister or magistrate, in whose presence the marriage is to be contracted, before he shall proceed to solemnize the same; *provided*, that no clerk shall issue such certificate to a male under twenty-one, or a female under eighteen years of age, unless the parties applying for said certificate shall first present to him the written consent of the parents or guardians of such applicant, if any they have residing within this state, that such certificate may issue; or to any town pauper, when the overseers of the poor of any town or city shall deposit a list of the names of the paupers of such town with said clerk.

Certificate not to be issued to minors without consent of parents or guardians.

Penalty if clerk violates.

SECT. 3. If any town clerk knowingly delivers to any person a

certificate of the intention of matrimony in violation of the provisions of the preceding section, or shall so deliver a certificate falsely stating the residence of either party named therein, he shall be fined twenty dollars.

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

Ch. 59, sect. 9,  
R. S. amended.

SECT. 9. When residents of this state, with intent to evade the provisions of sections one, two, three and four of this chapter, and to return and reside here, go into another state or country, and there have their marriage solemnized, and afterwards return and reside here, such marriage shall be void in this state.

Marriage void  
in certain  
cases.

SECT. 5. If any person shall contract a marriage, or make false representations to the clerk in order to procure a certificate, or procure the solemnization thereof, within this state, contrary to the provisions of this act, or the act to which this is additional, he shall be fined one hundred dollars.

Penalty for  
making false  
representations,  
&c.

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

[Approved March 11, 1858.]

## Chapter 15.

An act to provide for enforcing liens on vessels.

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

SECT. 1. Any person who furnishes labor or materials for building a vessel, shall have a lien upon such vessel therefor, which may be enforced by attachment of the vessel within four days after she is launched. He shall also have a lien upon the materials before they become part of the vessel for which they are furnished, which may be enforced by attachment; and a person who furnishes such labor or materials for a vessel after she is launched, or for her repair, shall have a lien on her therefor, which may be enforced by attachment within four days after the work has been completed.

Lien on vessels  
building, for  
labor, &c., how  
enforced.

—on materials,  
how enforced.

—on vessel af-  
ter launching,  
or for repairs,  
how enforced.

SECT. 2. The form of a writ for enforcing said lien upon a vessel, shall be in substance, as follows:

Writ for en-  
forcing lien.