

CHAPTER 56.

AN ACT

(H. B. 51)

Relating to and regulating marriage and marriage license in the Territory of Alaska, and providing penalties for the violation of same.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. No person shall be joined in marriage in this Territory until a license shall have been obtained for that purpose from a duly appointed and qualified United States Commissioner.

License for marriage required.

Section 2. No license shall be issued unless both of the contracting parties shall be identified to the satisfaction of the proper Commissioner, who shall further require a statement under oath, relative to the legality of the contemplated marriage, the names, relationship, if any, nationality, color, residence and occupation of parties, guardians of such, if under the age of legal majority, and prior marriage or marriages of the parties, or either of them, and manner of the dissolution thereof, and if there be no legal objection thereto such commissioner shall issue a license in the form hereinafter provided. The provisions of this section may be satisfied before any regularly commissioned Notary Public, of the Territory, who shall certify the same to the Commissioner.

Contracting parties must be identified and furnish information under oath.

Section 3. No license shall be issued to either of the contracting parties if under the marriageable age of consent, as established by law. If either of the parties be between the marriageable age of consent as established by law and the legal age of majority to-wit: between the age of eighteen years (18) and twenty-one years (21), if a male, and between sixteen years (16), and eighteen years (18), if a female, no license shall be issued without the consent of his or her parents, guardian, or of the parent having actual care, custody and control of such minor or minors given under oath, or certified under

When consent of parent or guardian required.

the hand of such parents or guardian as aforesaid, and properly verified by affidavit before any official authorized by law to take affidavits, which certificate shall be filed of record in the office of such commissioner and entered by him on the marriage license docket before issuing said license; Provided, that if there be no guardian of either or both of said minors, or if there be no competent person having actual care, custody and control of such minors, then the commissioner of the precinct in which said minors reside, may, upon proper cause shown, make an order allowing the marriage of such minor or minors.

Penalty for
issuing license
in violation
of law.

Section 4. Any commissioner who shall knowingly issue a marriage license contrary to or in violation of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00, or by imprisonment in a Federal Jail for not more than one year (1), or by both such fine and imprisonment.

Blank forms
to be fur-
nished and
docket kept..

Section 5. Forms for blank applications, statements, consent of parents, affidavits, licenses, and such other forms as shall be necessary to comply with the provisions of this act, shall be prescribed by the Territorial Registrar of Vital Statistics, and provided at the expense of the Territory. The Territorial Registrar of Vital Statistics shall furnish, at the cost of the Territory, to such Commissioners, all of the aforesaid blanks, with a suitable book, to be called the Marriage License Docket, which said Commissioners shall each keep in his office among his records, and enter therein a complete record of the applications for, and the issuing of all marriage licenses, and of all matters which he is required by this Act to ascertain relative to the rights of any person to obtain a license. Such marriage license docket shall be open for public inspection or examination at all times during office hours.

Section 6. The license shall authorize the marriage ceremony to be performed in any precinct of this Territory. The license shall be directed "to any person authorized by the laws of this Territory to solemnize marriage," and shall authorize him to solemnize marriage between the parties therein named at any time not more than one (1) year from and after the date thereof. If either of the parties be not of the age of legal majority, then his or her age shall be stated, and the fact of the consent of his or her parents or guardian shall likewise be stated; and if either of said parties shall have theretofore been married, then the number of times he or she shall have been previously married, and the manner in which the prior marriage or marriages was or were dissolved shall be stated. The officiating person shall satisfy himself that the parties presenting themselves to be married by him are the parties named in the license; and if he knows of any legal impediment to such marriage, he shall refuse to perform the ceremony. The issue of a license shall not be deemed to remove or dispense with any legal disability, impediment or prohibition rendering marriage between the parties illegal, and the license shall contain a statement to that effect.

Contents of license and performance of marriage thereunder.

Section 7. Said license shall be in form substantially as follows:

TERRITORY OF ALASKA
 DIVISION NO. }
 PRECINCT OF } SS.

Form of License.

To any person authorized by the laws of this Territory to solemnize marriage:

You are hereby authorized at any time not more than one (1) year from and after the date hereof in the Territory of Alaska (not knowing any legal impediment thereto) to join together in marriage in accordance with the laws of this Territory, A.....
 B....., aged and never heretofore married (or married on the day of

....., A. D. to E..... F....., said E..... F....., having died on the day of A. D.; or, said A..... having been divorced from said E..... F..... by the court of of the of the of on the day of, A. D. and C..... D....., aged and never heretofore married (or married on the day of A. D., to G..... H..... said G..... H..... having died on the day of A. D.; or said G..... D..... having been divorced from said G..... H..... by the court of of the of of, on the day of A. D.) The consent of the of the said A..... B..... and of the, the of the said C..... D..... having been duly given. The issue of this license shall not be deemed to remove or dispense with any legal disability, impediment or prohibition rendering marriage between the parties illegal.

Given under my hand and official seal this day of, A. D. 19.....

.....
 United States Commissioner in and
 for the Territory of Alaska, resid-
 ing at

Penalty for performing marriage contrary to law.

Section 8. If any officiating person shall solemnize a marriage unless the contracting parties shall first have obtained a proper license as herein before provided; or, unless the parties to such marriage declare to take each other as husband and wife; or without the presence of two competent witnesses; or, in the case of a minor or minors, unless the consent, as hereinbefore provided, of the parent or guardian of such minor or minors be stated in such license; or, shall solemnize a marriage knowing

of any legal impediment thereto; or, shall solemnize a marriage more than one year (1) from and after the date of the license; or, shall falsely certify to the date of a marriage solemnized by him, he shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars (\$100.00), or more than five hundred dollars (\$500.00), or by imprisonment in the Federal Jail for not more than one year (1), or by both such fine and imprisonment.

Section 9. If any person, not being duly authorized by the laws of this Territory, shall wilfully or knowingly undertake to solemnize a marriage in this Territory, he shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars (\$100.00), or more than One Thousand Dollars, (\$1,000.00), or by imprisonment in the Federal Jail for not more than one year (1) or by both such fine and imprisonment.

Penalty for performing marriage by persons not authorized.

Section 10. Any commissioner who shall refuse or neglect to enter upon the Marriage License Docket a complete record of each application, and of each marriage license issued from his office, immediately after same shall have been made or issued, as the case may be, or shall fail to keep such marriage license docket open for inspection or examination by the public during office hours, or shall prohibit or prevent any person from making a copy or abstract of the entries in the Marriage License Docket, shall for each such illegal act, omission or denial, be fined the sum of fifty dollars (\$50.00).

Penalty where Commissioner fails to keep records as required by law.

Section 11. Any fine or forfeiture accruing under the provisions of this act may be recovered by an action of debt, in the same manner as other debts are recovered by law, with the usual costs, in any court of record, in any Division of this Territory in which the defendant, or defendants may be found.

How penalties to be recovered.

Section 12. All marriages hereafter contracted in violation of any of the requirements of Section One (1) of this Act shall be null and void, except as hereinafter pro-

Effect of marriage in violation of law.

vided; Provided, that the parties to any such void marriage may at any time validate such marriage by complying with the requirements of this Act, and the issue thereof, if any, shall thereupon become legitimate, as hereinafter provided.

Section 13. No marriage hereafter contracted shall be void either by reason of the license having been issued without the consent of the parents or guardian of a minor, or by a commissioner not having jurisdiction to issue the same; or by reason of any omission, informality or irregularity of form in the application for the license or in the license itself, or by reason of the incompetency of the witnesses to such marriage, or more than one year (1) after the date of the license, if the marriage is in other respects lawful and is consummated with the full belief on the part of the persons so married, or either of them, that they have been lawfully joined in marriage. When a marriage has been celebrated, in the form provided for in this act, and the parties thereto have immediately thereafter, assumed the habit and repute of husband and wife, and have continued the same uninterruptedly, thereafter, for the period of one year (1), or until the death of either of them, it shall be deemed that a license has been issued as required by this Act.

Effect of marriage when one of parties is then legally married.

Section 14. If a person during the lifetime of a husband or wife with whom the marriage is in force, enters into a subsequent marriage contract in accordance with the provisions of Section One (1) of this Act, and the parties thereto live together thereafter as husband and wife, and such subsequent marriage contract was entered into by one of the parties in good faith, in the full belief that the former husband or wife was dead, or that the former marriage had been annulled, or dissolved by a divorce, or without knowledge of such former marriage, they shall, after the impediment to their marriage, has been removed by death, or divorce of the other party to such former marriage, if they continue to live together as husband and wife in good faith on the part of one of them, be held to have been legally married from and after

the removal of such impediment, and the issue of such subsequent marriage shall be considered as the legitimate issue of both parents

Section 15. The Commissioner of each precinct in the Territory shall on or before the 1st day of February in each year, make and return to the Territorial Registrar of Vital Statistics upon suitable blank forms to be provided by the Territory, of a statement of all marriage licenses issued by him during the preceding calendar year, including all the facts required to be ascertained by him upon the issuing of each license.

Commissioners
to report.

Section 16. The commissioner shall be entitled to receive Two Dollars and Fifty Cents for each marriage license issued by him and recorded in the marriage license docket in accordance with the provisions of this Act.

Fees of Com-
missioners.

The Commissioner shall also at the time of issuing the marriage license collect One Dollar (\$1.00) additional for the filing of the marriage certificate as provided in section 7 of Chapter 35 of the Session Laws of 1913 entitled: "An act to require the registration of vital statistics in the Territory of Alaska and for other purposes," and hereafter the person solemnizing the marriage shall be relieved from the duty of collecting said sum.

Fee for
filing
Certificate.

Section 17. Nothing in this Act shall be construed or held to repeal or abrogate any part of the Territorial Vital Statistics Law.

Approved May 3, 1917.

CHAPTER 57.

AN ACT

(H. B. 59)

Defining the rights of locators of mining claims over the waters of any rivers or creeks on which such claims may be staked and the rights of locators of water rights on creeks and rivers in the Territory of Alaska.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. That the locator of any mining claim in the Territory of Alaska who shall include within the boundaries of such claim both banks of any river, creek

Water rights
of mining
location on
creeks.