

CHAPTER 81.

MARRIAGES.

AN ACT to Regulate Marriages.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

- Civil contract. SECTION 1. In law, marriage is considered a civil contract, to which the consent of parties capable of contracting is essential.
- Age. SEC. 2. At the time of marriage the male must be of the age of eighteen years or upwards, and the female of the age of sixteen or upwards.
- When void. SEC. 3. Marriages that are declared void by the divorce law of this Territory, shall, in no case be solemnized.
- License. SEC. 4. Previous to the solemnization of any marriage in this Territory, a license for that purpose must be obtained from the county clerk of the county wherein the marriage is to take place.
- Consent of parent. SEC. 5. When either party is a minor, no license shall be granted without the verbal consent, if present, and written consent, if absent, of the father, if living, if not, then of the mother of such minor, or of the guardian or person under whose care and government such minor may be, which written consent shall be proved by the testimony of at least one competent witness.
- Duty of clerk. SEC. 6. When application shall be made for a license, the county clerk shall, by the testimony of some competent witness, or of the applicant, ascertain the christain and surname of the parties, their respective places of residence, that they are of sufficient age to be capable in law of contracting marriage, and whether there be any legal impediment to the parties entering into the marriage contract, and he shall enter the facts so ascertained, and date the license, in a book to be kept by him for that purpose.
- License refused. SEC. 7. If, on such testimony being given, it shall appear that either of the parties is legally incompetent to enter into such contract, or that there is any impediment in the way; or if either party is a minor, and the consent mentioned in section five shall not be given, the said clerk shall refuse to grant a license.
- Who may solemnize marriage. SEC. 8. Every judge and justice of the peace, and every licensed or ordained preacher of the gospel, may perform the ceremony of marriage in this Territory.

SEC. 9. In the solemnization of marriage, no particular form shall be required, except that the parties shall solemnly declare in the presence of the magistrate or minister, and the attending witnesses, that they take each other as husband and wife, and in any case there shall be at least two witnesses beside the minister or magistrate, present at the ceremony.

No particular form.

SEC. 10. When a marriage shall have been solemnized, pursuant to the provisions of this act, the minister or magistrate who solemnized the same, shall give each of the parties, on request, a certificate under his hand, specifying the names, ages and place of residence of the parties married, the names and residence of at least two witnesses who were present at such marriage, and the time and place thereof.

Certificates.

SEC. 11. Every person having authority to join others in marriage, shall, within three months after the solemnization of any such marriage, make and deliver to the county clerk of the county in which the marriage took place, a certificate containing the particulars mentioned in the preceding section.

Certificate delivered to co. clerk.

SEC. 12. The county clerk of each county in the Territory, shall record all such returns of such marriages in a book to be kept for that purpose, within one month after receiving the same.

To be recorded

SEC. 13. If any justice, minister, or other person, whose duty it is to make and transmit to the county clerk such certificate, shall neglect to make and deliver the same, or if the county clerk shall neglect to record such certificate, or if any person shall undertake to join others in marriage, knowing that he is not legally authorized so to do, or knowing of any legal impediment to the proposed marriage, or if any person authorized to solemnize any marriage shall wilfully and knowingly make a false certificate of any marriage to the county clerk, or if the said county clerk shall wilfully and knowingly make a false record of any certificate of marriage to him made, he shall be deemed guilty of misdemeanor, and shall be punished by a fine not exceeding five hundred dollars, or imprisonment for a period not exceeding one year, at the discretion of the court.

Failure to make and record certificate, a misdemeanor.

Penalty.

SEC. 14. No marriage solemnized before any person professing to be a justice of the peace or a minister of the gospel, shall be deemed or adjudged to be void, nor shall the validity thereof be in any way affected, on account of any want of jurisdiction or authority in such supposed justice or minister; *Provided*, The marriage be consummated with a full belief on the part of the persons so married, or either of them, that they have been lawfully joined in marriage.

Incompetence of person solemnizing, no ground for invalidating marriage.

Proviso.

SEC. 15. It shall be lawful for any religious society to join together in marriage, such persons as are of the said society, according to the rites and customs of such society to which they belong, the clerk or keeper of the minutes, proceedings, or other book of the religious society wherein such marriage shall be had, or if there be no such clerk or keeper of the minutes, then the moderator or person presiding in such society, shall make out and transmit to the county clerk of the county, a certificate of the marriage, and the same shall be recorded in like manner as is provided in the preceding section of this title.

Any religious society may join persons in marriage.

Duty of clerk.

Original certificate.

SEC. 16. The original certificate and record of marriage made by the minister, officer, or person, as prescribed in this title, and the record thereof made as prescribed, or a copy of such record duly certified by such officer, shall be received in all courts and places as presumptive evidence of the fact of such marriage.

Contracts outside this Territory valid, when.

SEC. 17. All marriage contracts without this Territory, which would be valid by the laws of the country in which the same were contracted, shall be valid in all courts and places in this Territory.

Acts repealed.

SEC. 18. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

SEC. 19. This act shall take effect and be in force on and after the first day of January, one thousand eight hundred and seventy.

Approved, December 10, 1869.