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GENERAL STATUTES

OF THE

STATE OF MINNESOTA.

PREPARED BY THE COMMISSIONERS APPOINTED TO REVISE
THE STATUTES OF THE STATE, BY ACT OF THE
LEGISLATURE, PASSED FEBRUARY 17, 1863.

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C. S. p. 474, Sect. 27. Amended. 1 SECT. 17. All the foregoing provisions shall apply as
2 well to mistresses as to masters.

C. S. p. 474, Sect. 28. 1 SECT. 18. Nothing contained in this chapter shall affect
2 a father's right at common law, to assign or contract for the
3 service of his children during their minority.

CHAPTER LXI.

MARRIAGE.

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C. S. p. 460, Sect. 1. 1 SECTION 1. Marriage, so far as its validity in law is
2 concerned, is a civil contract, to which the consent of the
3 parties capable in law of contracting is essential.

C. S. p. 460, Sect. 2. 1 SECT. 2. Every male person who has attained the full
2 age of eighteen years and every female who has attained
3 the full age of fifteen years, is capable in law of contracting
4 marriage, if otherwise competent.

C. S. p. 460, Sect. 3. 1 SECT. 3. No marriage shall be contracted while either
2 of the parties has a husband or wife living, nor between
3 parties who are nearer of kin than first cousins, computing
4 by the rules of the civil law, whether the half or the whole
5 blood.

C. S. p. 460, Sect. 4. 1 SECT. 4. Marriages may be solemnized by any justice
2 of the peace in the county in which he is elected; and
3 throughout the state, by any judge of a court of record, or
4 any ordained minister of the gospel, in regular communion
5 with any religious society.

C. S. p. 460, Sect. 5. 1 SECT. 5. Ministers of the gospel, before they are au-
2 thorized to perform the marriage rite, shall file a copy of
3 their credentials of ordination with the clerk of the district
4 court of some county in this state, who shall record the same
5 and give a certificate thereof; and the place where such cre-
6 dentials are recorded, shall be indorsed upon each certificate
7 of marriage, granted by any minister and recorded with the
8 same.

C. S. p. 460, Sect. 6. 1 SECT. 6. All judges, justices of the peace, and minis-
2 ters of the gospel, may before solemnizing any marriage,
3 examine at least one of the parties on oath, which oath they
4 are authorized to administer, as to the legality of such in-
5 tended marriage; and in no case shall such judge, justice

6 or minister, solemnize a marriage, if he is satisfied that
7 there is any legal impediment thereto.

1 SECT. 7. If any person intending to marry is under the
2 age of twenty-one years, if a male, or under the age of
3 eighteen, if a female, and has not been previously married,
4 the consent in person, or in writing, of the parent or guar-
5 dian, having the custody of such minor, if he or she have
6 either a parent or guardian living in this state, shall first be
7 given to the person solemnizing the marriage, before such
8 marriage takes place; and if such consent is in writing, it
9 shall be signed by the parent or guardian, and attested by
10 two witnesses.

C. S. p. 460, Sect. 7.
Amended.

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1 SECT. 8. In the solemnization of marriage, no particular
2 form is required, except that the parties shall declare, in the
3 presence of the judge, minister or magistrate, and the at-
4 tending witnesses, that they take each other as husband and
5 wife; and in every case there shall be at least two witnesses
6 present, besides the person performing the ceremony.

C. S. p. 461, Sect. 8.

1 SECT. 9. Whenever a marriage is solemnized, the per-
2 son solemnizing the same, shall give to each of the parties,
3 if requested, a certificate thereof, specifying therein the
4 names and residence of the parties, and of at least two of
5 the witnesses present, and the time and place of such mar-
6 riage.

C. S. p. 461, Sect. 9.

1 SECT. 10. Every person solemnizing a marriage, shall
2 make a record thereof, and within one month make and de-
3 liver to the clerk of the district court, of the county where
4 the marriage took place, or of the county to which said
5 county is attached for judicial purposes, a certificate, under
6 his hand, containing the particulars mentioned in the pre-
7 ceding section; which certificate shall be filed and recorded
8 by the said clerk, in a book kept by him for that purpose.

C. S. p. 461, Sects. 10
& 11, combined &
amended.

1 SECT. 11. Every person solemnizing a marriage, who
2 neglects to make and deliver to the clerk, a certificate there-
3 of within the time above specified, shall forfeit a sum not
4 more than one hundred dollars; and every clerk who neg-
5 lects to record such certificate so delivered, shall forfeit the
6 like penalty.

C. S. p. 461, Sect. 12.

1 SECT. 12. If any person authorized by law to join per-
2 sons in marriage, knowingly solemnizes any marriage con-
3 trary to the provisions of this chapter, or willfully makes
4 any false certificate of any marriage, or pretended marriage,
5 he shall forfeit for every such offense a sum not exceeding
6 five hundred dollars, or may be imprisoned not exceeding
7 one year.

C. S. p. 461, Sect. 13.

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C. S. p. 461, Sect. 14.

1 ^dSECT. 13. If any person undertakes to join others in
 2 marriage, knowing that he is not lawfully authorized to do
 3 so, or knowing of any legal impediment to the proposed
 4 marriage, he shall be deemed guilty of a misdemeanor, and
 5 upon conviction thereof shall be punished by imprisonment
 6 not more than one year, or by a fine not more than five
 7 hundred dollars, or by both such fine and imprisonment in the
 8 discretion of the court.

C. S. p. 461, Sect. 15.

1 ^eSECT. 14. No marriage solemnized before any person
 2 professing to be a judge, justice of the peace, or minister of
 3 the gospel, shall be deemed or adjudged to be void, nor
 4 shall the validity thereof be in any way affected on account
 5 of any want of jurisdiction or authority in such supposed
 6 judge, justice or minister, provided the marriage is consum-
 7 mated with a full belief on the part of the persons so mar-
 8 ried, or either of them, that they have been lawfully joined
 9 in marriage.

C. S. p. 461, Sect. 16.
Amended.

1 ^fSECT. 15. All marriages solemnized among the people
 2 called friends or quakers, in the form heretofore practiced
 3 and in use in their meetings, are valid, and not affected by
 4 any of the foregoing provisions; and the clerk of the meet-
 5 ing in which such marriage is solemnized, shall, within one
 6 month after every such marriage, deliver a certificate of the
 7 same to the clerk of the district court of the county where
 8 such marriage took place, or of the county to which such
 9 county is attached for judicial purposes, on penalty of for-
 10 feiting not more than one hundred dollars, which certificate
 11 shall be filed and recorded by such clerk under a like pen-
 12 alty; and if such marriage does not take place in such meet-
 13 ing, such certificate shall be signed by the parties and at
 14 least six witnesses present, and filed and recorded as above
 15 provided, under a like penalty.

C. S. p. 462, Sect. 18.
Amended.

1 ^gSECT. 16. Illegitimate children become legitimized by
 2 the subsequent marriage of their parents with each other,
 3 and the issue of marriages declared null in law shall never-
 4 theless be legitimate.