

CHAPTER 16.

[House Bill No. 27.]

RELATING TO MARRIAGES.

AN ACT regulating marriages and the issuance of marriage licenses, prohibiting marriages in certain cases, providing penalties for the violation of the provisions of this act, and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. No woman under the age of forty-five years, or man of any age, except he marry a woman over the age of forty-five years, either of whom is a common drunkard, habitual criminal, epileptic, imbecile, feeble-minded person, idiot or insane person, or person who has theretofore been afflicted with hereditary insanity, or who is afflicted with pulmonary tuberculosis in its advanced stages, or any contagious venereal disease, shall hereafter intermarry or marry any other person within this state. Persons prohibited.

SEC. 2. No clergyman or other officer authorized by law to solemnize marriages within this state shall hereafter knowingly perform a marriage ceremony uniting persons in matrimony either of whom is an epileptic, imbecile, feeble-minded person, common drunkard, idiot, insane person, or person who has theretofore been afflicted with hereditary insanity, habitual criminal, or person afflicted with pulmonary tuberculosis in its advanced stages, or any contagious venereal disease, unless the female party to such marriage is over the age of forty-five years. Officer not to solemnize, when.

SEC. 3. The county auditor, before a marriage license is issued, upon the payment of a license fee of two dollars, shall require each applicant therefor to make and file in his office upon blanks to be provided by the county for that purpose, an affidavit showing that such applicant is not feeble-minded, an imbecile, epileptic, insane, a common drunkard, or afflicted with pulmonary tuberculosis in its advanced stages: *Provided*, That in addition, the affidavit of the male applicant for such marriage license shall show that such male is not afflicted with any contagious venereal Affidavit.
Further showing for male.

disease. He shall also require an affidavit of some disinterested credible person showing that neither of said persons is an habitual criminal, and that the female is over the age of eighteen years and the male is over the age of twenty-one years: *Provided*, That if the consent in writing is obtained of the father, mother, or legal guardian of the person for whom the license is required, the license may be granted in cases where the female is under the age of eighteen years or the male is under the age of twenty-one years: *Provided*, That no consent shall be given, nor license issued, unless such female be over the age of fifteen years. Such affidavit may be subscribed and sworn to before any person authorized to administer oaths. Any one knowingly swearing falsely to any of the statements contained in the affidavits mentioned in this act shall be deemed guilty of perjury and punished as provided by the laws of the State of Washington.

SEC. 4. Any person knowingly violating any of the provisions of this act shall, upon conviction thereof, be punished by a fine of not more than one thousand dollars, or by imprisonment in the state penitentiary for a period of not more than three years, or by both such fine and imprisonment.

SEC. 5. An emergency exists, and this act shall take effect immediately.

Passed by the House August 18, 1909.

Passed by the Senate August 19, 1909.

Approved by the Governor August 23, 1909.