1911

# Proposed Uniform Marriage Law

Ernst Freund

# A PROPOSED UNIFORM MARRIAGE LAW.

THE subject of uniform marriage legislation has been before the Conference of Commissioners of Uniform State Laws since 1907. At the National Congress on Uniform Divorce Laws held in 1906, a committee had submitted certain important recommendations with reference to marriage licenses: but the Congress regarded this matter as beyond its scope, and recommended its consideration to the Commissioners on Uniform State Laws.[1]

No action was taken by the Commissioners in 1907. In 1908, at Seattle, the Conference received a lengthy report from the Committee on Marriage and Divorce, containing the draft of a marriage act. This draft was discussed in part at the Detroit Conference in 1909, and the matter referred to a new committee for further action. The result of this action was a new draft, which was presented to the Conference at Chattanooga in 1910. It was considered in Committee of the Whole, and substantially agreed to, but, in view of the importance of the subject matter and of the proposed changes in the law, the Conference deferred action to the next year (1911), recommending that the Committee consider the suggestions made in the course of the discussion, and that the provisions be brought to the notice of the profession and the public at large.

It is partly with a view to making this latter recommendation effective that this article is written, for which however the writer alone assumes responsibility.

(1) *Scope of the Bill* — The proposed measure confines itself to regulations concerning the form of the marriage contract. The scope of the earlier draft was wider in so far as it included an enumeration of the grounds of nullity and voidability of marriages, involving the thorny subjects of impediments and disabilities to marry, both absolute and relative. The elimination of these subjects from the new bill was due to the conviction that with reference to them unanimity between the states cannot at present be in reason expected. The problem of miscegenation is peculiar to

[1] Proceedings of Commissioners at Portland, Maine, 1907, pp. 121–123.

the Southern states, and there is no particular reason why Northern states should be asked to enact stringent laws in that regard. A similar difficulty exists with regard to prohibited degrees of relationship. There is some tendency at present to extend the prohibition to the fourth degree so as to include first cousins; the states favoring this interdiction may not wish to abandon it, while to advocate the extension of this prohibition to all other states would be to place this country in opposition to modern legislation in most other parts of the world. This question does not stand in need of precipitate settlement. There is as a matter of fact at present no basis upon which an agreement regarding impediments and disabilities is likely to be reached, and under these circumstances it is wiser not to offer any uniform plan at all. It is true that in Germany, when, in 1875, the unification of the marriage law was undertaken, the subject of disabilities was included; unfortunately, we have not reached the same degree of unity of sentiment and opinion on vital points.

The regulation of the form of the marriage contract is a distinct and complete subject in itself, and a great step forward will have been taken when uniformity will be established in that regard.

(2) *Abrogation of Common-law Marriage* — The main principle of the proposed bill is the abrogation of the so-called common-law marriage. The Conference of Commissioners at Detroit gave instructions to that effect, with which the members of the Committee concurred unanimously. The case has been so often presented from both sides that it is not necessary to restate it here. There are arguments in favor of supporting the validity of a marriage irrespective of form; if there were not, the principle would not have been sanctioned by the Church for centuries. But there are considerations on the other side, and these, with the great majority of Western nations and peoples, have in the end prevailed. American courts have for a long time leaned strongly in favor of marriage by mere consent; they have interpreted statutes in that spirit, and with the exception of Massachusetts, Maryland, and the Virginias, all states have at one time or other recognized common-law marriages, and the majority recognize them now. There is still a considerable sentiment, if not in their favor, at least against their being refused legal recognition. This found expression in a motion brought forward at the Conference substantially to the

effect that a marriage contract without compliance with the statutory requirements should not be void, but that the parties to such a marriage should derive no rights of property from it.

Whatever may be thought abstractly of such a proposition, a compromise on that basis should be declined, for the following reason: Within recent years a number of states, among them the important jurisdictions of New York and Illinois, have legislated expressly against the validity of common-law marriages by mere consent, overturning their previous policy. The general legislative tendency seems to be in that direction. Should the Commissioners of Uniform State Laws ask these states to reverse their course and go back to a policy which they in common with the majority of civilized communities throughout the world have abandoned? Uniformity is desirable, but not at any price. The measures recommended by the Commissioners should be in the line of progress, and not of retrogression. A uniform marriage law perpetuating the common-law marriage is simply not worth while. If the Conference should decide in favor of the common-law marriage, the wise policy will be, not to embody a provision to that effect in the law, but to leave the subject of the validity of marriage alone, and simply present a measure placing the administrative features of marriage licenses on a uniform basis. That would be some gain, and it would not be a step backward.

Adopting the abrogation of the common-law marriage as the leading principle, the gist of the proposed law is contained in its first section, which provides, in substance, that a marriage may be validly contracted only after a license has been issued therefor, and either before any person authorized by the laws of the state to celebrate marriages, or in accordance with the customs or rules of a religious society, denomination, or sect. In either case the marriage is contracted by the parties declaring in the presence of at least two witnesses that they take each other as husband and wife.

(3) *The Requirement of a License* — It will be noticed that the obtaining of a license is made essential to the validity of a marriage. The prevailing rule in this country is that this requirement is only directory; and even the statutes which might bear a different interpretation are so construed by the courts. Is the proposed departure from the existing law in the direction of increasing strictness justified?

The controlling consideration was that in this way alone adequate recognition is given to the civil character of the marriage contract. In most European countries and in a number of Latin-American states the development has been toward a compulsory civil marriage, solemnized by some state functionary, so that a clergyman cannot even act as the representative of state authority. For such a policy of out and out secularization there is in this country no demand, and it would probably arouse strong opposition. If then we would establish at some point the connection of the state with the marriage relation — and this is desirable not merely from the point of view of civic policy, but for the practical purpose of securing authentic and easily accessible records —, it must be done through the license, which therefore should be given equal legal importance with the solemnization itself.

The marriage license is a well-established institution in this country; since New York adopted it in 1907, it is stated that South Carolina is the only state that does not require it. The requirement is therefore in accordance with popular custom, and will create no friction. Careful provision is made that no marriage shall be invalidated by any error, defect, or irregularity in the issue of the license or in the license itself; parties desiring in good faith to comply with the law run therefore no risk through their own or through official ignorance of technicalities. In order still further to remove the possibility of hardship, a provision was introduced at the Conference and adopted in committee to the effect that where a marriage has been solemnized as required by the act, and the parties have immediately thereafter assumed the habit and repute of husband and wife, and have continued the same uninterruptedly thereafter for at least one year or until the death of either of them, it shall not be lawful to prove that a license has not been issued. Even with a provision less liberal than this it would be difficult to imagine a case in which the mandatory character of the license requirement can work harm or injustice.

It goes without saying that the issue of the license does not operate as a dispensation with any of the substantive disabilities to marry, and it is provided that every license shall contain an express statement to that effect.

(4) *The Issuing of the License* — While it appears from what has been said that the detailed provisions concerning licenses and

their issue do not affect the validity of marriage, they are of great importance from a practical point of view, since their observance is adequately insured by penalties.

The bill does not name the licensing officials; each state is left to select such officers as it chooses, uniformity in that respect being of no great consequence. It is otherwise as to the district from which the license is to issue. One of the recommendations made to the Uniform Divorce Congress was that no license shall issue in any county other than the domicile of one of the applicants. The argument in favor of that position is that the licensing authority of that district is apt to know the parties or one of them, or can inform himself readily as to the truth of their statements, and is therefore less likely to be deceived than an official of another district. It is further supported by the practice of the European states. However, a serious difficulty stands in the way of such a requirement, at least unless it is considerably qualified. Its effect would be to make marriages outside of the state of the domicile of either of the parties impossible. It is true that such a result is accepted in a country like Germany. Parties neither of whom reside in Germany cannot marry under the German law. But a similar exclusiveness would not be appropriate to our states which are practically provinces of one great country. It is quite possible that a woman, earning her living and therefore residing in New York and engaged to marry a resident of New York, may desire to be married from the home of her parents or of a brother or sister who may reside in New Jersey or Connecticut. It is obvious that New Jersey cannot condition solemnization of a marriage within her borders upon a license to be issued in a foreign jurisdiction. It would be necessary to substitute for the license a mere certificate, and leave it to the comity of the other state to comply with the requirements of the New Jersey law. If states are to allow marriages between two non-resident parties, it follows logically that the issuing of licenses cannot be confined to the county of residence or domicile.

The requirement, on the other hand, that the license be issued in the district in which the marriage is to be solemnized is recommended by the advantage it affords with reference to the marriage records. The return of the marriage certificate is more easily secured, if it is to the same county; and if a search is to be made

at any future time for the marriage record, it will be an advantage to know that it must be found in the county of celebration, the place of which is most likely to be known, and not in the county of the domicile, which may be quite unascertainable. The Committee of the Whole at Chattanooga decided in favor of requiring the license to be issued from the county or other district in which the marriage is to be celebrated. The drafting committee, however, has since adopted a compromise, requiring, where the parties are to be married in the state in which either of them resides, a license from the district of such residence, and requiring a license from the district of celebration, where both parties are non-residents of the state. Provision is made whereby the parties are required to state under oath the facts relevant to the issue of the license, and this oath may be taken either at the county of residence or at the county of solemnization. This provision renders it unnecessary, where the license must be obtained from the district of celebration, for a party who lives at a considerable distance from the place of marriage to be there personally five days in advance of the marriage day.

(5) *Preliminary Application* — The bill proposes an innovation upon the law of nearly all the states by requiring a five days' interval between the application for the license and its issue. Since special provision is made for emergency cases, no inconvenience can result from this, and the prescribed delay simply serves to carry out the purpose of the license itself. Formerly the universal practice was, and in the European countries the practice is still, to have the marriage preceded by a publication of banns. The license was originally a special indulgence, meaning a license to dispense with the banns, and in some American states license and banns are still used in the alternative. Most states have finally contented themselves with the more expeditious method of the license; but it is in accordance with the present tendency toward better safeguarding deliberation and legality to give a chance for the bringing forward of objections. Applications for licenses will be posted, and, according to the customary practice, the newspapers will publish them; the bill then makes a provision for the filing of objections and a speedy and summary disposition by the probate court. It may be mentioned that the proposed separation of application and license is in accordance with the law of

Maine. Wisconsin prescribes a delay between the issue of the license and the marriage, but it is obviously better not to have a license issued that is not available, and which, like a check bearing a future date, is apt to create confusion. It may be stated that an advance application for a license was one of the recommendations made to the Uniform Divorce Congress. The license is good for one year only. Such a limit is in accordance with the law of a few states and of most foreign countries. It is clear that circumstances may arise in course of time which may render the statements of the license untrue.

(6) *Form of Marriage* — The normal form of the marriage is the declaration by the parties before an officiating person and two witnesses that they take each other as husband and wife. Three points are to be noted: (1) The law leaves it to each state to determine who has the right to officiate; nearly all states authorize clergymen, judges, and justices of the peace to solemnize marriages, and the disturbance of settled customs in that respect would not be desirable. (2) The declaration that constitutes the efficient act is that of the parties, and not that of the officiating person: this is in accordance with the common law and the law of the Catholic Church, while the law of the Lutheran Church is believed to be different. (3) No particular form of declaration is prescribed, the ceremonial character of the whole act being normally sufficient to insure some explicit utterance. The witnesses are required to be competent, *i. e.*, of sufficient understanding, but their incompetency would not invalidate the marriage.

The bill further sanctions any form that is in accordance with the rites of a religious society. The main purpose is to save the legality of Quaker marriages, in which there is no distinct officiating person, and which are commonly recognized by our laws. The bill as drawn by the committee confined this form of marriage to cases where at least one of the parties is a member of the society. This restriction was opposed and provisionally eliminated at Chattanooga. Perhaps this was due to an impression that the restriction applied to ordinary religious marriages. This, of course, is not true. The ordinary religious marriage is celebrated before a clergyman, and a clergyman is under the provisions of the bill authorized to marry persons of any faith, his own or another. The question is whether the very exceptional and

abnormal form of self-marriage is to be permitted where the religious persuasion of neither of the parties demands it. There seems to be no reason whatever for such a concession. Nor can there be any difficulty in proving that one of the parties was the member of such a religious society.

Since 1860 there has been a law on the federal statute books [2] to the effect that marriages in presence of any consular officer of the United States in a foreign country between persons who would be authorized to marry if residing in the District of Columbia, shall be valid to all intents and purposes, and shall have the same effect as if solemnized within the United States. Under the Constitution, the United States is without authority to render such marriages valid within any state. This is the official view of the government of the United States, as expressed in the Consular Regulations.[3] The general rule, however, that a marriage valid where celebrated is valid everywhere, is recognized (subject to certain exceptions) in every American state, and remains undisturbed by the proposed uniform law. In countries therefore in which by treaty, custom, or positive law, marriages concluded in the presence of an American consul between American citizens are valid, they will continue to be valid, and if the validity of such marriages by the law of the foreign country depends upon the express grant of authority by the sovereignty which the consul represents, such authority is given by § 4082 of the Revised Statutes. Where, however, a marriage concluded in the presence of the American consul is invalid by the laws of the country where it is concluded, § 4082 of the Revised Statutes does not render it valid for any state (no matter what its effect may be for the District of Columbia or a territory), nor is it desirable that such a marriage should be validated. No express provision is consequently called for to deal with this matter.

(7) *Nullity Provisions and Saving Clauses* — The nullity of marriages contracted in violation of the two main requirements of the law which are placed at its head is expressly declared; on the other hand, there is also a careful enumeration of irregularities which do not vitiate the marriage, provided at least one of the parties acts in good faith. In accordance with the law of many

[2] Rev. Stat. § 4082.

[3] See Moore, International Law Digest, § 240.

states, it is provided that a marriage contracted in good faith shall not be void by reason of the want of authority of the officiating person.[4]

Like the laws of many states, the bill requires for the marriage of a minor the consent of his or her parent or guardian. American statutes do not expressly avoid a marriage contracted without such consent, and the courts do not admit that consequence by construction. In England where nullity was expressly declared by Lord Hardwicke's Act, the legislature had to abrogate this provision as one of intolerable hardship. There is however a middle ground which may well be pursued in view of the evil effects of hasty marriages entered into by immature persons. The bill therefore provides that such a marriage shall be voidable upon the application of the minor, or of the parent or guardian. Such application cannot be made after the minor has reached full age and voluntarily cohabits with the other party, nor in any event more than one year after reaching full age. If the application is made by the parent or guardian it must be made within thirty days after obtaining knowledge of the marriage. The court may refuse to grant the application if such refusal shall appear to be advisable.

The bill copies the provision of the law of Massachusetts, according to which a marriage, void by reason of a subsisting prior marriage, but contracted by one of the parties in good faith, is validated by continued cohabitation after the removal of the impediment. The reports show cases where the absence of such a provision led to great hardship.[5] A provision of this kind will be more necessary if the new law shall be adopted than it was ever before. For it was one of the benefits of the recognition of common-law marriages, that it was possible to assume a common-law marriage after the removal of the impediment; under the new régime this expedient would be cut off. An express curative provision therefore becomes necessary to validate the marriage.

[4] The bill as passed by the committee of the whole contained a clause to the effect that if only one of the parties was ignorant of the want of authority, that party shall have the right to proceed within one year for the annulment of the marriage. Such a case is necessarily one of gross deception practiced upon the ignorant party, and where the ceremony was believed to be, but in reality was not, religious, there may be conscientious scruples against continued cohabitation. Opinion upon this point seems, however, to be divided.

[5] See Collins *v.* Voorhies, 47 N. J. Eq. 315.

(8) *Records* — The bill makes careful provision for the recording of licenses, the return of certificates, etc. A system of state registration is likewise established. The details involve no question of principle, but mere practical considerations of an administrative character. The securing of publicity and of authentic proofs is one of the main objects, and will be one of the chief benefits, of the proposed legislation. Uniformity is here of particular value. Complete and accurate marriage records are essential to a reliable system of vital statistics, and reliable vital statistics are more and more needed with the expanding functions of our social legislation.[6]

*Ernst Freund.*

UNIVERSITY OF CHICAGO.

---

## AN ACT

*Relating to and Regulating Marriage and Marriage Licenses; and to promote Uniformity between the States in reference thereto.*

SECTION I. Be it enacted, etc., That marriage may be validly contracted in this State only after a license has been issued therefor, in the manner following:

1. Before any person authorized by the laws of this State to celebrate marriages (and hereinafter designated as the officiating person), by declaring in the presence of at least two competent witnesses other than such officiating person, that they take each other as husband and wife; or,

2. In accordance with the customs, rules, and regulations of any Religious Society, Denomination, or Sect to which either of the parties may belong, by declaring in the presence of at least two competent witnesses, that they take each other as husband and wife.

SECT. II. No persons shall be joined in marriage within this State until a license shall have been obtained for that purpose from the ..... of the ..... in which one of the parties resides; Provided, that if both parties be non-residents of the State, such licenses may be obtained from the ..... of the ..... where the marriage ceremony is to be performed.

SECT. III. Application for a marriage license must be made at least five days before the license shall be issued; Provided, that in cases of emergency, or extraordinary circumstances, the Judge of the Court

[6] The text of the more important sections of the Act follows.

having Probate Jurisdiction may authorize the license to be issued at any time before the expiration of said five days.

SECT. IV. No license shall be issued unless both of the contracting parties shall be identified to the satisfaction of the proper ....., who shall further require of the parties, either separately or together, a statement under oath relative to the legality of the contemplated marriage, the date of same, the names, relationship, if any, age, nationality, color, residence, and occupation of the parties, the names of the parents, guardians, or curators of such as are under the age of legal majority, any prior marriage or marriages of the parties, or either of them, and the manner of the dissolution thereof; and if there be no legal objection thereto, such ..... shall issue a Marriage License in the form hereinafter prescribed. Or, the parties intending marriage may, either separately or together, appear before any ....., magistrate or justice of the peace of the ..... (whether in this or any other State) wherein either of the contracting parties resides, or of the ..... where the marriage is to be performed, who shall require of them a statement under oath as above provided; and such statement, having been duly subscribed and sworn to, and the parties having been duly identified, shall be forwarded to the proper ....., who, if satisfied after an examination thereof, that the same is in proper legal form, and that no legal objection to the contemplated marriage exists, shall issue a license therefor.

SECT. V. No license shall be issued if either of the contracting parties be under the marriageable age of consent as established by law. If either of the contracting parties be between the marriageable age of consent as established by law, and the age of legal majority, to wit, between ..... years and ..... years, if a male, and between ..... years and ..... years, if a female, no license shall be issued without the consent of his or her parents, guardian, or curator, or of the parent having the actual care, custody, and control of such minor or minors, given before the ..... under oath, or certified under the hand of such parents, guardian or curator as aforesaid, and properly verified by affidavit before a Notary Public or other official authorized by law to take affidavits, which certificate shall be filed of record in the office of said ..... and entered by him on the Marriage License Docket before issuing said license; Provided, that if there be no guardian or curator of either or both of such minors, or if there be no competent person having the actual care, custody, and control of such minor or minors, then the Judge of the ..... of the residence of the minor having Probate Jurisdiction may, after hearing, upon proper cause shown, make an order allowing the marriage of such minor or minors.

SECT. VI. Immediately upon entering an application for a license, the ..... shall post in his office a notice giving the names and residences of the parties applying therefor, and the date of the application. Any person believing that the statements of the application are false or insufficient, or that the applicants or either of them are incompetent to marry, may file with the Court having Probate Jurisdiction in the ..... in which the license is applied for, a petition under oath, setting forth the grounds of objection to the marriage, and asking for a rule upon the parties making such application to show cause why the license should not be refused. Whereupon, said Court, if satisfied that the grounds of objection are prima facie valid, shall issue a rule to show cause as aforesaid, returnable as the Court may direct, but not more than ten days from and after the date of said rule, which rule shall be served forthwith upon the applicants for such license, and upon the clerk before whom such application shall have been made, and shall operate as a stay upon the issuance of the license until further ordered. If, upon hearing, the objections be sustained, the Court shall make an order refusing the license; the costs to rest in the discretion of the Court; but if the objections be overruled, the party or parties filing the same shall be liable for all costs of the proceedings.

SECTS. VII, VIII, and IX provide for penalties, blank forms, and dockets.

SECT. X. The license shall authorize the marriage ceremony to be performed in any ..... of this State, excepting that where both parties are non-residents of the State, the ceremony shall be performed only in the ..... in which the license is issued. The license shall be directed "to any person authorized by the law of this State to solemnize marriage," and shall authorize him to solemnize marriage between the parties therein named, at any time not more than one year from and after the date thereof. If the marriage is to be solemnized by the parties without the presence of an officiating person, as provided by paragraph two of Section one of this Act, the license shall be directed to the parties to the marriage. 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, guardian, or curator shall likewise be stated; and if either of said parties shall have been theretofore 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.

SECTS. XI and XII give the form of marriage licenses.

SECT. XIII. The license shall have appended to it three certificates, numbered to correspond with the license, (one marked "original," one marked "duplicate," and one marked "triplicate,") which shall be in form substantially as follows:

[The forms are omitted.]

SECT. XIV. The Marriage Certificates marked "original" and "duplicate," duly signed, shall be given by the officiating person to the persons married by him; and the certificate marked "triplicate" shall be returned by such officiating person, or, in the case of a marriage ceremony performed without an officiating person, then by the parties to the marriage contract, or either of them, to the ..... who issued the license, within thirty days after the date of said marriage.

SECT. XV. The said ..... upon receiving such triplicate certificate, shall immediately enter the same on the Docket where the Marriage License of said parties is recorded, and place such certificate on file.

SECTS. XVI–XXI provide for penalties.

SECT. XXII. A copy of the record of the Marriage License, and Marriage Certificate, certified under the hand of said ..... and the seal of the court, shall be received in all courts of this State as prima facie evidence of such marriage between the parties therein named.

SECT. XXIII. All marriages hereafter contracted in violation of any of the requirements of Section I of this Act shall be null and void, (except as provided in Sections XXIV and XXV of this Act); 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 provided by Section XXVIII of this Act.

SECT. XXIV. No marriage hereafter contracted shall be void by reason of want of authority or jurisdiction in the officiating person solemnizing such marriage, 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.

SECT. XXV. No marriage hereafter contracted shall be void either by reason of the license having been issued without the consent of the parents, guardian, or curator of a minor, or by a ..... 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 because the marriage may have been solemnized in a ..... other than the ..... prescribed in Section X of this Act, or more than one year 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. Where a marriage has been celebrated in one of the forms provided for in Section I of 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, or until the death of either of them, it shall not be lawful to prove that a license has not been issued as required by this Act.

SECT. XXVI. A marriage contracted by a person requiring the consent of a parent, guardian, or curator, without such consent, shall be voidable upon the application of such person, or of the parent, guardian, or curator of such person, but no such application shall be made after the party requiring consent has reached the age of legal majority and has voluntarily cohabited with the other party, or in any event more than one year after such party has reached the age of legal majority; Provided, that no such marriage shall be avoided upon the application of the parent, guardian, or curator, unless such application shall be made within thirty days after acquiring knowledge of such irregular marriage. The Court may refuse to grant the application if such refusal shall appear to be advisable. Any Court having jurisdiction to grant divorces shall have power to annul a marriage as provided by this section. But the issue of such marriage shall not be deemed illegitimate.

SECT. XXVII. 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 I 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 the 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.

SECT. XXVIII. In any and every case where the father and mother of an illegitimate child or children shall lawfully intermarry, such child or children shall thereby become legitimated, and enjoy all the rights and privileges of legitimacy as if they had been born during the wedlock of their parents, and this section shall be taken to apply to all cases prior to its date, as well as those subsequent thereto; Provided, that no estate already vested shall be divested by this Act.

SECT. XXIX. The ..... of each ..... shall, on or before the first day of February in each year, make return to the ..... of this State, upon suitable blank forms to be provided by the State, 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, and shall also make return of a statement of all Marriage Certificates which shall have been returned to him during such period, and upon neglect or refusal so to do, such ..... shall forfeit and pay the sum of one hundred dollars for the use of the proper. . . .

SECT. XXX. This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those States which enact it.

SECT. XXXI. Provides for fees. . . .

SECT. XXXII. Repealing clause.