

ions of Act, the owner of any exposed animals may have such animals tested under the direction of the live stock sanitary board and the expenses of such testing shall be borne jointly and in equal shares by the owner of the exposed animals and the county wherein said owner resides. The fees for such testing or examination shall not exceed the fee prescribed in Section 2 of this Act.

§ 5. Whereas, the non-elimination of horses, mules and asses invisibly infected with glanders after exposure tends to perpetuate the disease and cause a severe drain upon the resources of the state, and whereas the total elimination of glanders without the elimination of infected contract (contact) cases is impossible, therefore an emergency is declared to exist and this Act shall take effect and be in force from and after its passage and approval by the governor.

Approved March 15, 1913.

## MARRIAGES

### CHAPTER 207.

[S. B. No. 45—Overson.]

#### REGULATING 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.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 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 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.

§ 2. No clergyman or other officer authorized by law to solemnize marriages within this state shall hereafter perform a marriage ceremony uniting persons in matrimony, either of whom is an epileptic, imbecile, feeble-minded person, common drunkard, insane person, 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.

§ 3. The county judge, before a marriage license is issued, shall require each applicant therefor to file in his office upon blanks to be provided by the county for that purpose, an affidavit of at least one duly licensed physician other than the person seeking the license, showing that the contracting parties are not feeble-minded, imbeciles, epileptics, insane persons, common drunkards, or persons afflicted with pulmonary tuberculosis in its advanced stages, *provided*, that in addition, the affidavit as to the male contracting party shall show that such male is not afflicted with any contagious venereal disease. He shall also require an affidavit of some disinterested, credible person, showing that said persons are not habitual criminals; the female is over the age of eighteen years and the male is over the age of twenty-one years, unless the consent in writing is obtained of the father, mother or other guardian of the person for whom the license is required in cases where the female is under the age of eighteen years and 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. Said affidavit may be subscribed and sworn to before any person authorized to administer oaths.

Anyone knowingly swearing falsely to the statements contained in the affidavit mentioned in this act shall be deemed guilty of perjury and punished as provided by the laws of the State of North Dakota.

§ 4 A license to marry shall not be issued to one under the influence of intoxicating liquor at the time of making application for license, and no marriage ceremony shall be performed when either or both of the contracting parties are under the influence of intoxicating liquor or any narcotic drug.

§ 5. For making an examination of either of the contracting parties to a marriage, and the affidavit required in this act, a physician may charge a fee of not to exceed two dollars.

§ 6. Any person violating any of the provisions of this act, or any person knowingly swearing falsely to any of the statements contained in the affidavits mentioned in this act, shall be punished by a fine of not less than fifty dollars or more than five hundred dollars, or by imprisonment in the county jail not over thirty days or by both such fine and imprisonment.

Approved March 1, 1913.