

SECT. 3. Each register of deeds shall be entitled to receive the following fees for his services, under the provisions of this act, to wit: for recording any mark or brand, twenty cents; for giving certificate of the same, twenty cents.

Fees of register.

SECT. 4. This act shall take effect from and after its passage.

Take effect, when.

Approved April 24, 1862.

W. JAYNE, *Governor*.

MARRIAGES.

CHAPTER 58.

AN ACT LEGALIZING MARRIAGES IN THE TERRITORY OF DAKOTA.

Be it enacted by the Legislative Assembly of the Territory of Dakota:

SECTION 1. That all marriages heretofore solemnized in the territory prior or subsequent to the organization of said territory, by any regularly ordained minister of the gospel, justice of the peace, or judges of the several courts of said territory, shall be, and are hereby declared to be legal and binding, to all intents and purposes.

Marriage heretofore solemnized legalised.

SECT. 2. This act to take effect, and be in force from and after its passage.

Take effect, when.

Approved May 5, 1862.

W. JAYNE, *Governor*.

CHAPTER 59.

A BILL FOR AN ACT REGULATING MARRIAGES.

Be it enacted by the Legislative Assembly of the Territory of Dakota:

Marriage.

SECTION 1. That marriage is a civil contract, requiring the consent of parties capable of entering into other contracts, except as herein otherwise declared.

Marriage, at what ages valid. Proviso.

SECT. 2. A marriage between a male person of sixteen, and a female of fourteen years of age is valid: *Provided*, That nothing in this act contained shall be so construed as to permit of the intermarriage of white persons with persons of color; nor of the intermarriage of persons who are related to each other by blood nearer than second cousins.

License necessary.

SECT. 3. Previous to any marriage within this territory, a license for that purpose must be obtained from the county clerk of the county wherein the marriage is to be solemnized (or of a county to which the same is attached for election and judicial purposes), agreeable to the provisions of this chapter.

License not granted in certain cases.

SECT. 4. Such license must not in any case be granted where either party is under the age necessary to render the marriage absolutely valid, nor shall it be granted where either party is a minor, without the previous consent of the parent or guardian of such minor, or where the condition of either party is such as to disqualify him for making any other civil contract.

In cases of doubt as to age and condition.

SECT. 5. Unless the clerk of the board of county commissioners is acquainted with the age and condition of the parties, for the marriage of whom the license is applied for, he must take the testimony of competent and disinterested witnesses on the subject.

Make entry of application for license.

SECT. 6. He must cause due entry of the application for the issuing of the license to be made on the marriage records, stating that he was acquainted with the parties and knew them to be of competent age and condition, or that the requisite proof of such facts was made to him by one or more witnesses, stating their names.

SECT. 7. If either party is a minor, the consent of the parent or guardian must be filed in the office of the clerk of the board of county commissioners, after being admitted by the said parent or guardian or proved to be genuine, and a memorandum of such facts must be also entered upon the marriage record by the clerk.

If either party minor, consent of parents necessary.

SECT. 8. If the clerk of the board of county commissioners grants a license contrary to the provisions of the preceding sections, he is guilty of a misdemeanor, and if a marriage is solemnized without such license being procured, the parties, so married, and all persons aiding in such marriage, are likewise guilty of a misdemeanor.

Marriage without proper license, a misdemeanor.

SECT. 9. The license shall not be issued until the amount of one dollar has been paid to the clerk of the board of county commissioners as his fee.

License fee.

SECT. 10. Marriages must be solemnized either: 1. By some officiating minister of the gospel, ordained or licensed according to the usages of his denomination. 2. By any person or officer authorized to administer oaths.

Marriages solemnized by whom.

SECT. 11. After the marriage has been solemnized, the officiating minister, or magistrate, or other person shall, on request, give each of the parties a certificate thereof.

Party officiating to give certificate, when.

SECT. 12. Marriages solemnized with the consent of parties in any other manner than is herein prescribed are valid, but the parties themselves, and all other persons aiding or abetting, shall forfeit to the school fund the sum of fifty dollars each.

Other marriages valid — but penalty imposed.

SECT. 13. The person solemnizing marriage shall forfeit a like amount, unless within ninety days after the ceremony he make return thereof to the clerk of the board of county commissioners.

Person solemnizing same, forfeit same, unless.

SECT. 14. The clerk of the board of county commissioners shall keep a register containing the names of the parties, the date of the marriage, and the name of the person by whom the marriage was solemnized, which (or a certified transcript therefrom) is receivable in all courts and places as evidence of the marriage, and the date thereof.

Clerk to keep record.

SECT. 15. The preceding provisions, so far as they relate to the manner of solemnizing marriages, are not applicable to marriages among the members of any particular religious

Not applicable to peculiar forms in religious societies.

denomination, having as such, any peculiar mode of performing that ceremony.

Husband must
make return to
clerk in such
cases.

SECT. 16. But where any mode is thus pursued, which dispenses with the services of a clergyman or magistrate, the husband is responsible for the return directed to be made to the clerk of the board of county commissioners, and is liable to the above-named penalty if the return is not made.

Illegitimate
children made
legitimate by
marriage.

SECT. 17. Illegitimate children become legitimate by the subsequent marriage of their parents, and all marriages heretofore contracted are hereby declared legalized and in full force and effect.

Take effect,
when.

SECT. 18. This act shall take effect and be in force from and after its passage, and approval by the governor.

Approved May 7, 1862.

W. JAYNE, *Governor.*

MILITIA.

CHAPTER 60.

AN ACT TO ORGANIZE AND DISCIPLINE THE MILITIA OF THE TERRITORY OF DAKOTA.

Be it enacted by the Legislative Assembly of the Territory of Dakota:

Who compose
militia.

SECTION 1. That all able-bodied white male citizens, residents of this territory, being eighteen years of age and under the age of forty-five years, excepting persons exempt by law, shall be enrolled in the militia, and perform military duty, in such manner, not incompatible with the constitution and laws of the United States, as hereinafter prescribed.

Territory forms
one division,
under whose
command.

SECT. 2. That the territory shall constitute but one division, and shall be under the command of one brigadier-general