

## MARRIAGE LICENSES

H. F. 213

AN ACT to amend, revise, and codify sections sixty-five hundred eighty-nine (6589), sixty-five hundred ninety (6590), sixty-five hundred ninety-six (6596) and sixty-six hundred (6600) of the compiled code of Iowa, and sections sixty-six hundred thirty-seven (6637) and eighty-six hundred eighteen (8618) of the supplement to said code, relating to marriages and incest; and to require certain qualifications for all applicants for marriage licenses.

Be It Enacted by the General Assembly of the State of Iowa:

That sections sixty-five hundred eighty-nine (6589) and sixty-five hundred ninety (6590) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. License. Previous to the solemnization of any marriage, a license for that purpose must be obtained from the clerk of the district court of the county wherein the marriage is to be solemnized. Such license must not be granted in any case:

1. Where either party is under the age necessary to render the marriage valid.
2. Where the male is a minor, or the female is under eighteen (18) years of age, unless a certificate of the consent of the parents is filed. If one of the parents is dead such certificate may be executed by the survivor. If both parents are dead the guardian of such minor may execute such certificate.
3. Where either party is disqualified from making any civil contract.
4. Where the parties are within the degrees of consanguinity or affinity in which marriages are prohibited by law.
5. Where either party is an idiot, imbecile, insane or under guardianship as an incompetent.

Sec. 2. Proof of age and qualification. When an application for a license is made the clerk shall require at least one (1) affidavit from some competent and disinterested person, stating such facts as to age and qualification of the parties as the clerk may deem necessary to determine the competency of the parties to contract a marriage. If the clerk is acquainted with the age and qualification of the parties, he may execute, in lieu of said affidavit, a certificate stating such fact, and that he know the parties to be competent to contract a marriage. The affidavit or certificate, in each case, shall be filed by the clerk and constitute a part of the records of his office. A memorandum of such affidavit or certificate shall also be entered in the license book.

Sec. 3. Delivery of blank return with license. When a license is issued the clerk shall deliver to the applicant a blank return for the marriage, and give such instructions relative thereto as will insure a complete and accurate return.

That section sixty-five hundred ninety-six (6596) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 4. Certificate - return. After the marriage has been solemnized, the officiating minister or magistrate shall:

1. Give each of the parties a certificate of the same.
2. Make return of such marriage within fifteen (15) days to the clerk of the district court, upon the blank provided for that purpose.

Sec. 5. Contents of return. The return of a marriage shall state:

1. Number and date of license.
2. Person making affidavit of age and qualification of parties to contract marriage. If the clerk certifies to the age and qualification of the parties such fact shall be noted on the return.
3. Name of person giving consent to marriage in case the male is a minor or the female is under eighteen years of age and the relationship of such person to bride or groom.
4. Full name, age, color, nationality, residence, occupation, place of birth, father's full name, mother's full maiden name, and number of marriage for both bride and groom; also, full maiden name of bride, if a widow.
5. Time and place of ceremony.
6. Witnesses to marriage.
7. Name and office of person officiating.
8. Date of return.

If the return of a marriage is not complete in every particular, the clerk shall require the person making the same to supply the omitted information, except as to the first three items prescribed above, which shall be supplied by the clerk.

That section sixty-six hundred (6600) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 6. Void marriages. Marriages between the following persons shall be void:

1. Between a man and his father's sister, mother's sister, father's widow, wife's mother, daughter, wife's daughter, son's widow, sister, son's daughter, daughter's daughter, son's son's widow, daughter's son's widow, brother's daughter or sister's daughter.
2. Between a woman and her father's brother, mother's brother, mother's husband, husband's father, son, husband's son, daughter's husband, brother, son's son, daughter's son, son's daughter's husband, daughter's daughter's husband, brother's son or sister's son.
3. Between first cousins.
4. Between persons either of whom has a husband or wife living, but, if the parties live and cohabit together after the death or divorce of the former husband or wife, such marriage shall be valid.

That section eighty-six hundred eighteen (8618) of the supplement to the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 7. Incest defined - punishment. If any persons, being within the degrees of consanguinity or affinity in which marriages are declared by law to be void, carnally know each other, they shall be guilty of incest, and imprisoned in the penitentiary not exceeding twenty-five (25) years.

That section sixty-six hundred thirty-seven (6637) of the supplement to the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 8. Period of minority. The period of minority extends to the age of twenty-one (21) years, but all minors attain their majority by marriage, and females, after reaching the age of eighteen (18) years, may make valid contracts for marriage the same as adults.

Approved April 26, 1924.