LC 0532

INTRODUCED BILL

INTRODUCED BY SciferT Localen Julitar

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
48-143, 48-146, 48-149, R.C.M. 1947, RELATING TO THE AGE,
RESIDENCE, AND NOTICE REQUIREMENTS FOR THE ISSUANCE OF
MARRIAGE LICENSES; AND PEPEALING SECTIONS 48-118.1 AND
48-145, R.C.Y. 1947."

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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 Section 1. Section 48-143, R.C.M. 1947, is amended to 12 read as follows:

13 "48-143. Persons capable of marriage -- when consent of parent or guardian required -- special authority for 14 underage marriages. (1) Every male person who has attained 15 the full age of eighteen (18) years or who has obtained the 16 permission of the district judge as provided in subparagraph 17 18 (3) and every female person who has attained the full age of 19 eighteen (18) years or who has obtained the permission of the district judge as provided in subparagraph (3) shall be 20 capable in law of contracting marriage if otherwise 21 22 competent.

(2) If either of the contracting parties is under the
age of eighteen (18), no license shall be issued without the
consent of his or her parents or guardian, or of the parent

1 having the actual care, custody and control of said party, 2 given before the clerk of the court under oath, or certified under the hands of such parents or quardian as aforesaid 3 4 attested by two adult witnesses, and properly verified by affidavit (or affirmation) before a notary public or other 5 6 official authorized by law to take affidavits, which 7 certificate shall be filed of record in the office of the 8 said clerk of court at the time of application for said 9 license. If there is no guardian or parent having the actual 10 care, custody and control of said party, then the judge of 11 the district court in the county where the application is 12 pending may, after hearing upon proper cause shown, make an 13 order allowing the marriage of said party.

14 (3) A male under the age of eighteen-(18) sixteen (16) or a female under the age of eighteen-(18) sixteen (16) may 15 16 lawfully contract to marry and obtain a marriage license if 17 there is first procured the consent of the parent or 18 quardian as provided in subparagraph (2) and if the district 19 judge of the county wherein the application is made, after 20 examining the parties under oath, shall decide that it is to the best interest of such applicant and of the established 21 22 public policy of the state of Montana, and shall authorize 23 the clerk of the court to issue the license in conformance 24 with the other provisions of this act."

25 Section 2. Section 48-146, R.C.M. 1947, is amended to

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l read as follows:

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2 "48-146. License required for marriage -- place of 3 ceremony -- county where license issued. No Montana-resident 4 person shall be joined in marriage within this state until a 5 license has been obtained for that purpose from the clerk of 6 the district court. of--the--county--in--which--one--of--the 7 parties--has--resided-for-at-least-five-(5)-days-immediately 8 prior-to-making-application-therefor

9 A license so issued shall authorize a marriage ceremony 10 to be performed in the county where the license is issued or 11 in any other county of this state."

12 If-both-parties-be--aonresidents--of--the--state--auch 13 license-may-be-obtained-from-the-elerk-of-the-district-court 14 of---the--county--where--the--marriage--ceremony--is--to--be 15 performed.-If-one-of-such-persons-is-a--nonresident--of--the 16 county--where--such--license--is--to--issue,-his-part-of-the 17 application-may-be-completed-sworn-to-(or--affirmed)--before 18 the -- person -- authorized -- to -- accept -such - applications - in - the 19 county-and-state-in-which-he-resides.

20 Section 3. Section 48-149, R.C.M. 1947, is amended to 21 read as follows:

22 "48-149. Posting of notice of application --23 objections to marriage -- hearing on objections -- order 24 refusing license -- amendment of application -- issuance 25 without objection -- waiting period. (1) Immediately--upon

1 entering--an--application--for--a--license--the-clerk-of-the 2 district-court-shall-post-in-his-office-a-notice-giving--the 3 names--and--residences-of-the-parties-applying-therefor;-and 4 the-date-of-the-application, Any parent, grandparent, child, 5 or natural guardian thereof if a minor, brother, sister or 6 guardian of either of the applicants for a license, or 7 either of the applicants, or the county attorney, believing 8 that the statements of the application are false or 9 insufficient, or that the applicants or either of them are 10 incompetent to marry, may file with the district court in 11 the county in which the license is applied for, a petition 12 under oath, setting forth the grounds of objection to the 13 marriage and asking for an order requiring the parties 14 making such application to show cause why the license should 15 not be refused. Whereupon, said court, if satisfied that the grounds of objection are prima facie valid, shall issue an 16 17 order to show cause as aforesaid, returnable as the court 18 may direct, but not more than fourteen (14) days after the 19 date of said order, which shall be served forthwith upon the 20 applicants for such license residing in the state, and upon 21 the clerk before whom such application has been made, and 22 shall operate as a stay upon the issuance of the license 23 until further ordered; if either or both of said applicants 24 are nonresidents of the state said order shall be served 25 forthwith upon said nonresident by publication one time in a

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newspaper published in the county wherein said application
 is pending, and by mailing a copy thereof to said
 nonresident at the address contained in the application.

4 (2) If, upon hearing, the court finds that the 5 statements in the application are willfully false or 6 insufficient, or that either or both of said parties are not 7 competent in law to marry, the court shall make an order 8 refusing the license, and shall immediately report such 9 matter to the county attorney. If said falseness or 10 insufficiency is due merely to inadvertence, then the court 11 shall permit the parties to amend the application so as to 12 make the statements therein true and sufficient, and upon 13 application being so amended, the license shall be issued. 14 If any party is unable to supply any of the information 15 required in the application, the court may, if satisfied that such inability is not due to willfulness or negligence. 16 17 order the license to be issued notwithstanding such 18 insufficiency. The costs and disbursements of the 19 proceedings under this section shall rest in the discretion 20 of the court, but none shall be taxed against any county 21 attorney acting in good faith."

(3)-If-there-be-no-legal-objection-to-said--application
 for--license--within--five--(5)-days-of-the-application7-the
 clerk-of-the-district-court-shall-issue-a-marriage--license Section 4. Sections 48-188.1 and 48-145, E.C.E. 1947,

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1 are repealed.

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HBING

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Approved by Committee on Judiciary

INTRODUCED BY <u>Scifer</u> LOCKREM 1 2 Falzus-3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS 5 48-143, 48-146, 48-149, R.C.M. 1947, RELATING TO THE AGE, 6 RESIDENCE, AND NOTICE REQUIREMENTS FOR THE ISSUANCE OF 7 MARRIAGE LICENSES; AND REPEALING SECTIONS 48-119.1 AND 8 48-145, R.C.M. 1947."

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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 48-143, R.C.N. 1947, is amended to 12 read as follows:

"48-143. Persons capable of marriage -- when consent 13 of parent or quardian required -- special authority for 14 underage marriages. (1) Every male person who has attained 15 the full age of eighteen (18) years or who has obtained the 16 17 permission of the district judge as provided in subparagraph (3) and every female person who has attained the full age of 18 eighteen (18) years or who has obtained the permission of 19 the district judge as provided in subparagraph (3) shall be 20 21 capable in law of contracting marriage if otherwise 22 competent.

(2) If either of the contracting parties is under the
age of eighteen (18), no license shall be issued without the
consent of his or her parents or guardian, or of the parent

SECOND READING

1 having the actual care, custody and control of said party, given before the clerk of the court under oath, or certified 2 3 under the hands of such parents or quardian as aforesaid 4 attested by two adult witnesses, and properly verified by affidavit (or affirmation) before a notary public or other 5 6 official authorized by law to take affidavits, which 7 certificate shall be filed of record in the office of the 8 said clerk of court at the time of application for said 9 license. If there is no guardian or parent having the actual 10 care, custody and control of said party, then the judge of 11 the district court in the county where the application is pending may, after hearing upon proper cause shown, make an 12 13 order allowing the marriage of said party.

14 (3) A male under the age of eighteen-(18) sixteen (16) or a female under the age of eighteen- $\{18\}$ sixteen (16) may 15 lawfully contract to marry and obtain a marriage license if 16 17 there is first procured the consent of the parent or 18 quardian as provided in subparagraph (2) and if the district 19 judge of the county wherein the application is made, after 20 examining the parties under oath, shall decide that it is to 21 the best interest of such applicant and of the established 22 public policy of the state of Montana, and shall authorize 23 the clerk of the court to issue the license in conformance 24 with the other provisions of this act."

25 Section 2. Section 48-146, R.C.M. 1947, is amended to

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l read as follows:

2 "48-146. License required for marriage -- place of 3 ceremony -- county where license issued. No Hentana-resident 4 person shall be joined in marriage within this state until a 5 license has been obtained for that purpose from the clerk of 6 the district court. of--the--county--in--which--ohe--of--the 7 parties--has--resided-for-at-leest-five-(5)-days-immediately 8 prior-to-making-application-therefor

9 A license so issued shall authorize a marriage ceremony
10 to be performed in the county where the license is issued or
11 in any other county of this state."

12 If-both-parties-be--nonresidents--of--the--state -- such 13 license-may-be-obtained-from-the-elerk-of-the-district-court 14 of---the--county--where--the--marriage--ceremony--is--to--be 15 performed.-If-one-of-such-persons-is-a--nonresident--of--the county--where--such--license--is--to--issue,-his-part-of-the 16 17 application-may-be-completed-sworn-to-(or--affirmed)--before 18 the -- person -- authorized -- to -- accept - such - applications - in - the 19 county-and-state-in-which-he-residest

20 Section 3. Section 48-149, R.C.M. 1947, is amended to 21 read as follows:

22 "48-149. Posting of notice of application -23 objections to marriage -- hearing on objections -- order
24 refusing license -- amendment of application -- issuance
25 without objection -- waiting period. (1) Immediately--upon

entering--an--application--for--a--license--the-clerk-of-the 1 2 district-court-shell-post-in-his-office-a-notice-giving--the names--and--residences-of-the-parties-applying-therefor7-and 3 4 the-date-of-the-application. Any parent, grandparent, child, 5 or natural guardian thereof if a minor, brother, sister or guardian of either of the applicants for a license, or 6 either of the applicants. or the county attorney, believing 7 8 that the statements of the application are false or 9 insufficient, or that the applicants or either of them are incompetent to marry, may file with the district court in 10 11 the county in which the license is applied for, a petition under oath, setting forth the grounds of objection to the 12 marriage and asking for an order requiring the parties 13 14 making such application to show cause why the license should not be refused. Whereupon, said court, if satisfied that the 15 grounds of objection are prima facie valid, shall issue an 15 17 order to show cause as aforesaid, returnable as the court 18 may direct, but not more than fourteen (14) days after the date of said order, which shall be served forthwith upon the 19 applicants for such license residing in the state, and upon 20 21 the clerk before whom such application has been made, and shall operate as a stay upon the issuance of the license 22 23 until further ordered; if either or both of said applicants 24 are nonresidents of the state said order shall be served 25 forthwith upon said nonresident by publication one time in a

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newspaper published in the county wherein said application
 is pending, and by mailing a copy thereof to said
 nonresident at the address contained in the application.

4 (2) If, upon hearing, the court finds that the 5 statements in the application are willfully false or insufficient, or that either or both of said parties are not 6 competent in law to marry, the court shall make an order 7 8 refusing the license, and shall immediately report such 9 matter to the county attorney. If said falseness or 10 insufficiency is due merely to inadvertence, then the court 11 shall permit the parties to amend the application so as to 12 make the statements therein true and sufficient, and upon 13 application being so amended, the license shall be issued. 14 If any party is unable to supply any of the information required in the application, the court may, if satisfied 15 16 that such inability is not due to willfulness or negligence, 17 order the license to be issued notwithstanding such 18 insufficiency. The costs and disbursements of the 19 proceedings under this section shall rest in the discretion of the court, but none shall be taxed against any county 20 21 attorney acting in good faith."

(3)-If-there-be-no-legal-objection-to-said-application
for-license-within-five--(5)-days-of-the-application7-the
elerk-of-the-district-court-shall-issue-a-marriage--licensesection 4. Sections 48-188.1 and 48-145, R.C.H. 1947,

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1 are repealed.

-End-

HB149

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INTRODUCED BY SeiferT Locale on Juli

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS 5 48-143, 48-146, 48-149, R.C.M. 1947, RELATING TO THE AGE, 6 RESIDENCE, AND NOTICE REQUIREMENTS FOR THE ISSUANCE OF 7 MARRIAGE LICENSES; AND REPEALING SECTIONS 48-118.1 AND 8 48-145, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
Section 1. Section 48-143, R.C.M. 1947, is amended to
read as follows:

"48-143. Persons capable of marriage -- when consent 13 of parent or guardian required -- special authority for 14 underage marriages. (1) Every male person who has attained 15 the full age of eighteen (18) years or who has obtained the 16 17 permission of the district judge as provided in subparagraph (3) and every female person who has attained the full age of 18 19 eighteen (18) years or who has obtained the permission of the district judge as provided in subparagraph (3) shall be 20 capable in law of contracting marriage if otherwise 21 22 competent.

23 (2) If either of the contracting parties is under the
24 age of eighteen (18), no license shall be issued without the
25 consent of his or her parents or guardian. or of the parent

THIRD READING

having the actual care, custody and control of said party. 1 2 given before the clerk of the court under oath, or certified under the hands of such parents or quardian as aforesaid 3 attested by two adult witnesses, and properly verified by 5 affidavit (or affirmation) before a notary public or other б official authorized by law to take affidavits, which 7 certificate shall be filed of record in the office of the 8 said clerk of court at the time of application for said license. If there is no guardian or parent having the actual 9 10 care, custody and control of said party, then the judge of 11 the district court in the county where the application is 12 pending may, after hearing upon proper cause shown, make an 13 order allowing the marriage of said party.

14 (3) A male under the age of eighteen-(18) sixteen (16) 15 or a female under the age of eighteen-(18) sixteen (16) may lawfully contract to marry and obtain a marriage license if 15 17 there is first procured the consent of the parent or 18 guardian as provided in subparagraph (2) and if the district 19 judge of the county wherein the application is made, after 20 examining the parties under oath, shall decide that it is to 21 the best interest of such applicant and of the established 22 public policy of the state of Nontana, and shall authorize 23 the clerk of the court to issue the license in conformance 24 with the other provisions of this act."

25 Section 2. Section 48-146, R.C.M. 1947, is amended to

-2- HB 149

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1 read as follows:

2 "48-146. License required for marriage -- place of 3 ceremony -- county where license issued. No Hontana-resident 4 person shall be joined in marriage within this state until a 5 license has been obtained for that purpose from the clerk of 6 the district court. of--the--county--in--which--one--of--the 7 parties--has--resided-for-at-least-five-(5)-days-immediately 8 prior-to-making-application-therefor

9 A license so issued shall authorize a marriage ceremony 10 to be performed in the county where the license is issued or 11 in any other county of this state."

12 If-both-parties-be--nonresidents--of--the--state--such 13 license-may-be-obtained-from-the-elerk-of-the-district-court 14 of---the--county--where--the--marringe--ceremony--is--to--be 15 performed_-if-one-of-such-persons-is-a--nonresident--of--the 16 county--where--such--license--is--to--issue--his-part-of-the 17 application-may-be-completed-sworn-to-{or--affirmed}--before 18 the--person--authorized--to--accept-such-applications-in-the 19 county-and-state-in-which-he-resides.

20 Section 3. Section 48-149, R.C.M. 1947, is amended to 21 read as follows:

22 "48-149. Posting of notice of application -23 objections to marriage -- hearing on objections -- order
24 refusing license -- amendment of application -- issuance
25 without objection -- waiting period. (1) Immediately--upon

entering--an--application--for--a--licensey-the-clerk-of-the 1 district-court-shall-post-in-his-office-a-notice-giving--the 2 names--and--residences-of-the-parties-applying-therefor7-and з 4 the-date-of-the-application. Any parent, grandparent, child, 5 or natural guardian thereof if a minor, brother, sister or guardian of either of the applicants for a license, or 6 either of the applicants, or the county attorney, believing 7 that the statements of the application are false or 8 insufficient, or that the applicants or either of them are 9 incompetent to marry, may file with the district court in 10 the county in which the license is applied for, a petition 11 12 under oath, setting forth the grounds of objection to the marriage and asking for an order requiring the parties 13 making such application to show cause why the license should 14 15 not be refused. Whereupon, said court, if satisfied that the grounds of objection are prima facie valid, shall issue an 16 17 order to show cause as aforesaid, returnable as the court 18 may direct, but not more than fourteen (14) days after the 19 date of said order, which shall be served forthwith upon the applicants for such license residing in the state, and upon 20 the clerk before whom such application has been made, and 21 shall operate as a stay upon the issuance of the license 22 until further ordered; if either or both of said applicants 23 are nonresidents of the state said order shall be served 24 25 forthwith upon said nonresident by publication one time in a

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newspaper published in the county wherein said application is pending, and by mailing a copy thereof to said

nonresident at the address contained in the application.

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4 (2) If, upon hearing, the court finds that the 5 statements in the application are willfully false or 6 insufficient, or that either or both of said parties are not 7 competent in law to marry, the court shall make an order 8 refusing the license, and shall immediately report such 9 matter to the county attorney. If said falseness or 10 insufficiency is due merely to inadvertence, then the court 11 shall permit the parties to amend the application so as to 12 make the statements therein true and sufficient, and upon 13 application being so amended, the license shall be issued. 14 If any party is unable to supply any of the information 15 required in the application, the court may, if satisfied 16 that such inability is not due to willfulness or negligence, 17 order the license to be issued notwithstanding such 18 insufficiency. The costs and disbursements of the 19 proceedings under this section shall rest in the discretion 20 of the court, but none shall be taxed against any county 21 attorney acting in good faith."

22 (3)-If-there-be-no-legal-objection-to-said--application 23 for--license--within--five--(5)-days-of-the-application7-the elerk-of-the-district-court-shall-issue-a-marriage--license, 24 25 Section 4. Sections 48-188.1 and 48-145, R.C.M. 1947,

are repealed.

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-End-

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SENATE COMMITTEE ON STATE ADMINISTRATION

AMENDMENTS TO HOUSE BILL NO. 149

That House Bill No. 149, third reading, be amended as follows:

- 1. Amend title, lines 4 and 5.
 Following: "AMEND"
 Strike: "SECTIONS 48-143,"
 Insert: "SECTION"
- 2. Amend title, line 5. Following: "48-146," Strike: "48-149,"
- 3. Amend title, lines 5 and 6. Following: "THE" Strike: "AGE, RESIDENCE, AND NOTICE REQUIREMENTS FOR THE"
- 4. Amend title, lines 7 and 8. Following: "LICENSES" Strike: "; AND REPEALING SECTIONS 48-118.1 AND 48-145, R.C.M. 1947"
- 5. Amend page 1, section 1, lines 10 through line 24 on page 2. Following: line 10 Strike: Section 1 in its entirety Renumber: Subsequent section
- 6. Amend page 3, section 2, lines 19 through line 1 on page 6. Following: line 19 Strike: Sections 3 through 4 in their entirety

1	HOUSE BILL NO. 149
2	INTRODUCED BY SEIFERT, LOCKREM, JACK MOORE, FABREGA
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4	A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
5	48-1437 SECTION 48-146, 48-1497 R.C.M. 1947, RELATING TO THE
б	AGE7REGIDENCE7-AND-NOVICE-REQUIREMENTS-FOR-THE ISSUANCE OF
7	MARRIAGE LICENSES;ANDREPEALINGSECTIONS48-118.1-AND
8	48-1457-R-C-M1947."
9	
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11	Section-lSection-48-1437-R-C-M19477-is-amendedto
12	read-as-follows:
13	448-143Personscapableof-marriagewhen-consent
14	of-parent-or-guardianrequiredspecialauthorityfor
15	underagemarriages{1}-Every-male-person-who-has-attained
16	the-full-age-of-eighteen-(18)-years-or-who-has-obtainedthe
17	permission-of-the-district-judge-as-provided-in-subparagraph
18	(3) -and-every-female-person-who-has-attained-the-full-age-of
19	eighteen(18)yearsor-who-has-obtained-the-permission-of
20	the-district-judge-as-provided-in-subparagraph-(3)-shallbe
21	capableinlawofcontractingmarriageifotherwise
22	competent.
23	{2}-If-either-of-the-contracting-parties-isunderthe
24	ege-of-eighteen-(18)7-no-license-shall-be-issued-without-the
25	consentof-his-or-her-parents-or-guardiany-or-of-the-parent

REFERENCE BILL

1	having-the-actual-care;-custody-and-control-ofsaidparty;
2	given-before-the-clerk-of-the-court-under-oathy-or-certified
3	underthehandsofsuch-parents-or-guardian-as-aforesaid
4	attested-by-two-adult-witnesses;-andproperlyverifiedby
5	affidavit{oraffirmation}-before-a-notary-public-or-other
6	officialauthorizedbylawtotakeaffidavits,which
7	certificateshallbefiled-of-record-in-the-office-of-the
8	said-clerk-of-court-at-thetimeofapplicationforsaid
9	license:-If-there-is-no-guardian-or-parent-having-the-actual
10	care;custodyand-control-of-said-party;-then-the-judge-of
11	the-district-court-in-the-county-wheretheapplicationis
12	pendingmayy-after-hearing-upon-proper-cause-showny-make-an
13	order-allowing-the-marriage-of-said-party.
14	(3)-A-male-under-the-age-of-eighteen-(10)-<u>sixteen(16)</u>
15	ora-female-under-the-age-of-eighteen-(18)- <u>sixteen-(16)</u> -may
16	lawfully-contract-to-marry-and-obtain-a-marriage-licenseif
17	thereisfirstprocuredtheconsentoftheparent-or
18	guardian-as-provided-in-subparagraph-(2)-and-if-the-district
19	judge-of-the-county-wherein-the-application-ismade;after
20	examining-the-parties-under-oath;-shall-decide-that-it-is-to
21	thebestinterest-of-such-applicant-and-of-the-established
22	public-policy-of-the-state-of-Montana;-andshallauthorize
23	theclerkof-the-court-to-issue-the-license-in-conformance
24	with-the-other-provisions-of-this-act-"
25	Section 1. Section 48-146, R.C.M. 1947, is amended to
	-2- HB 149

2	"48-146. License required for marriage place of
3	ceremony county where license issued. No Montana-resident
4	person shall be joined in marriage within this state until a
5	license has been obtained for that purpose from the clerk of
6	the district court. of the county in which one of the
7	particshasresided-for-at-least-five-(5)-days-immediately
8	prior-to-making-application-therefor
9	A license so issued shall authorize a marriage ceremony
10	to be performed in the county where the license is issued or
11	in any other county of this state."
12	If-both-parties-benonresidentsofthestate
13	license-may-be-obtained-from-the-clerk-of-the-district-court
14	ofthecountywherethemarriageceremonyistobe
15	performedIf-one-of-such-persons-is-anonresidentofthe
16	countywheresuchlicenseistoissue7-his-part-of-the
17	application-may-be-completed-sworn-to-(oraffirmed)before
18	thepersonauthorizedtoaccept-such-applications-in-the
19	county-and-state-in-which-he-resides.
20	Section-3Section-48-1497-R.C.M19477-is-amendedto
21	read-as-follows:
22	#48-149Postingofnoticeofapplication
23	objections-to-marriagehearingonobjectionsorder
24	refusinglicenseamendmentof-applicationissuance
25	without-objectionwaiting-period:{1}Immediatelyupon
	-3- HB 149

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read as follows:

1	enteringanapplicationforalicensey-the-clerk-of-the	
2	district-court-shall-post-in-his-office-a-notice-givingthe	
3	namesandresidences-of-the-parties-applying-therefory-and	
4	the-date-of-the-applicationAny-parenty-grandparenty-childy	
5	or-natural-guardian-thereof-if-a-minory-brotherysisteror	
6	guardianofcitheroftheapplicantsfor-a-licensey-or	
7	either-of-the-applicants,-or-the-county-attorney,believing	
8	thatthestatementsoftheapplicationarefalseor	
9	insufficienty-or-that-the-applicants-or-either-ofthemare	
10	incompetenttomarry7may-file-with-the-district-court-in	
11	the-county-in-which-the-license-is-applied-foryapetition	
12	underoathysettingforth-the-grounds-of-objection-to-the	
13	marriage-and-askingforanorderrequiringtheparties	
14	making-such-application-to-show-cause-why-the-license-should	
15	not-be-refusedWhereupon7-said-court7-if-satisfied-that-the	
16	groundsofobjection-are-prima-facic-validy-shall-issue-an	
17	order-to-show-cause-as-aforesaid;-returnableasthecourt	
18	maydirect7but-not-more-than-fourteen-(14)-days-after-the	
19	date-of-said-order,-which-shall-be-scrwed-forthwith-upon-the	
20	applicants-for-such-license-residing-in-the-state;-andupon	
21	theclerkbeforewhom-such-application-has-been-madey-and	
22	shall-operate-as-a-stay-apon-theissuanceofthelicense	
23	untilfurther-ordered;-if-either-or-both-of-said-applicants	
24	are-nonresidents-of-the-state-saidorder-shallbeserved	
25	forthwith-upon-said-nonresident-by-publication-one-time-in-a	
	-4- HB 149	

1	newspaper-published-in-the-county-whereinsaidapplication
2	ispending,andbymailingacopythereoftosaid
3	nonresident-at-the-address-contained-in-the-application.
4	(2) Ifyuponhearingythecourtfindsthatthe
5	statementsintheapplicationarewillfullyfalseor
6	insufficient7-or-that-cither-or-both-of-said-partics-are-not
7	competent-in-law-to-marry;-the-courtshallmakeanorder
8	refusingthelicense;andshallimmediately-report-such
9	mattertothecountyattorneyIfsaidfalsenessor
10	insufficiencyis-due-merely-to-inadvertence,-then-the-court
11	shall-permit-the-parties-to-amend-the-application-soasto
12	makethestatementstherein-true-and-sufficienty-and-upon
13	application-being-so-amended;-the-license-shallbeissued.
14	Ifanypartyisunableto-supply-any-of-the-information
15	required-in-the-application7-thecourtmay7ifsatisfied
16	that-such-inability-is-not-duc-to-willfulness-or-negligence;
17	orderthelicensetobeissuednotwithstandingsuch
18	insufficiency:Thecostsanddisbursementsofthe
19	proceedingsunder-this-section-shall-rest-in-the-discretion
20	of-the-courty-but-none-shall-betaxedagainstanycounty
21	attorney-acting-in-good-faith. [#]
22	(3)-If-there-be-no-legal-objection-to-saidapplication
23	forlicensewithinfive(5)-days-of-the-application7-the
24	cierk-of-the-district-court-shail-issue-a-marriagelicense-
25	Section-4Sections-48-188-1-and-48-145R-E-M1947-

1 are-repeated:

-End-

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