

AN ABSTRACT  
OF THE  
STATUTES OF NEW YORK  
RELATING TO  
MARRIAGE CEREMONIALS,  
AND THE  
DUTY OF PERSONS AUTHORIZED TO SOLEMNIZE  
MARRIAGE.

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## Laws Concerning Marriage.

In order to meet requests often made for a concise statement of the Laws of the State of New York relating to the duty of persons authorized to solemnize marriage, the following summary of the law upon this subject has been carefully revised by the legal Counsellor of the Metropolitan Board of Health:

### *I.—What persons are authorized to solemnize Marriages, and to certify such solemnization?*

(1.) Ministers of the Gospel and Priests of every denomination.

(2.) Mayors, Recorders and Aldermen of cities.

(3.) Judges of County Courts and Justices of the Peace.

(a.) Jews and also those designated in the Statute as Quakers, (Friends,) are authorized to solemnize marriage in the manner and agreeably to the regulations of their respective societies.

(b.) The right and privilege of registry and authentication of a marriage under the Statute

is made dependent on its being solemnized by one of the officers, ministers or priests, or in the manner above referred to.

## *II.—Marriage is forbidden between what persons?*

(1.) Between parents and children; grandparents and grand-children of every degree; brothers and sisters, as well the half as of the whole blood relations; and all such marriages are incestuous and void. And these prohibitions extend to illegitimate as well as to legitimate children.

(2.) Between persons when either of the parties to a marriage shall be incapable, for want of age or understanding, or incapable from physical causes, of entering into the marriage state; or when the consent of either party shall have been obtained by force or fraud.

(3.) Marriage is forbidden to any person during the life-time of any former husband or wife of such person, unless, (1) the marriage with such former husband or wife shall have been annulled or dissolved for some other cause than the adultery of the said person; or (2) unless such former husband or wife shall have been finally sentenced to imprisonment for life.

(4.) Males under 14 and females under 12 years of age are incapable of consenting to marriage; and the Courts may divorce females married under 14, without the consent of parents or guardians, if the marriage has not been ratified and there has not been cohabitation—since arriving at 14 years of age.

(5.) Persons authorized to perform the marriage ceremony are liable to be punished by fine or imprisonment if with knowledge they solemnize the ceremony between parties either of which is under the age of consent, an idiot or lunatic, or as to which there is a legal impediment existing.

## *III.—What is required of the Clergyman, Magistrate, or other person who solemnizes a Marriage, as regards the ceremonials?*

When solemnized by a minister or priest, the ceremony of marriage shall be according to the forms and customs of the church or society to which he belongs. When solemnized by a magistrate no particular form shall be required, except that the parties shall solemnly declare, in the presence of the magistrate and the attending witness or witnesses, that they take each

other as husband and wife. In every case, there shall be at least one witness, beside the minister or magistrate, present at the ceremony.

*IV.—What is required as regards the official duty towards the persons about to be married?*

It shall be the duty of every minister, priest or magistrate required to solemnize a marriage to ascertain,—

(1.) The Christian and surnames of the parties; their respective places of residence; and that they are of sufficient age to be capable in law of contracting marriage;

(2.) The names and places of residence of two of the attesting witnesses, if more than one be present, and if not, the name, and place of residence of such witness. He shall enter the facts so ascertained, and the day on which such marriage is solemnized, in a book to be kept by him for that purpose.

If either of the parties between whom the marriage is to be solemnized, shall not be personally known to him, the minister or magistrate shall ascertain to his satisfaction the identity of the respective parties.

*The right of husband and wife to demand and receive a certificate of their Marriage, at the hands of the Minister or Magistrate; what such certificate shall contain.*

[This certificate is independent of the one returned to the Bureau of Vital Statistics.]

Whenever a marriage shall have been solemnized within this State, pursuant to this title, the minister or magistrate by whom the marriage was solemnized, shall furnish on request to either party, a certificate thereof, specifying—

(1.) The names and places of residence of the parties married, and that they were known to such minister or magistrate, or were satisfactorily proved by the oath of a person known to him to be the persons described in such certificate and that he had ascertained that they were of sufficient age to contract marriage;

(2.) The name and place of residence of the attesting witness or witnesses, and

(3.) The certificate shall also state that after due inquiry made, there appeared no lawful impediment to such marriage; and it shall be signed by the person making it.

*V.—What is required in regard to the certified returns to be rendered to the Bureau of Vital Statistics of the Board of Health?*

(1.) One copy of a duplicate record that has been made out in accordance with the forms provided by that Bureau shall be forwarded to the Registrar of Vital Statistics of said Board within five days of the marriage, and by such means as will insure its reception, by mail or by hand, in less than ten days after the marriage.

(2.) The person who solemnizes the marriage must keep a perfect duplicate of the copy of record which has been forwarded to the Registrar of the Board of Health.

(3.) All names of persons must be accurately spelled and distinctly written.

The foregoing summary, comprising the chief points upon which general information, especially by clergymen and magistrates, is often desired, is respectfully submitted to all persons concerned in the solemnization of the marriage ceremonies in the Metropolitan District.