

the action of the supreme court thereon, and make determination in reference thereto.]

14. SEC. 2. That the second section of the said supplementary act [see Sec. 7, *ante*] be and the same is hereby amended so as to read as follows :

[That the said writ of error shall be made returnable forthwith, and upon return thereof said court of errors and appeals shall require an immediate and speedy assignment of errors and joinder in error, and upon such short notice as may by the court last aforesaid be directed, shall hear and determine the cause during the term to or in which said writ of error is returnable, if possible so to do without necessitating the postponement of other business of said term to a subsequent term ; and on reversal the supreme court shall take action accordingly.]

Writ of error to be made returnable forthwith.

Hearing.

Supplement.

Approved March 19, 1895.

P. L. 1895, p. 339.

15. SEC. 1. That in all proceedings by mandamus, to enforce the collection or payment of a tax or appropriation, it shall and may be lawful to plead and show as a defense that such tax or appropriation is in whole or in part illegal.

Illegality of tax or appropriation may be pleaded in mandamus proceedings.

Marriages, Births and Deaths.

1. Within what degrees marriages are prohibited.
2. Amended by sections 6 and 7.
3. Amended by section 8.
4. Penalty for marrying minors without consent of parent or guardian.
5. Amended by section 9.
6. Amended by section 7.
7. Who authorized to solemnize marriages.
8. Regulations concerning the marriage of minors.
9. Record and return of marriage of minors.
10. Justices of the supreme court, the chancellor and vice chancellors may solemnize marriages.
11. Certificate of marriage to be transmitted to proper officer. What certificate shall set forth.
12. Certificate of birth to be transmitted to the proper officer. What certificate shall set forth. Duty of assessors and clerks.
13. Physicians to furnish undertaker with certificate of death. What certificate shall set forth.
14. Certificates of marriages and births to be transmitted to registrars, clerks or assessors.
15. Certificate of death to be delivered to registrars, clerks or assessors. Permit for burial to be issued.
16. In absence of clerk or registrar, judge of court or justice of peace may issue permit for burial. Copy of permit transmitted to whom.
17. Proceedings in case bodies are brought into this state for burial.
18. Proceedings in case of removal of bodies from this state.
19. Keepers of cemeteries to keep record of interments.
20. Undertakers to transmit burial certificates to assessors.
21. Penalty for making false certificates.
22. Amended by section 27.
23. Certificates of marriages, births and deaths to be alphabetically arranged by superintendent of bureau of vital statistics.
24. State bureau of vital statistics to prepare blank forms of certificates, &c. Duties of assessors, registrars and clerks.
25. Penalties, how and by whom recovered.
26. Repealer.
27. Assessors, clerks and registrars to transmit certificates to bureau of vital statistics. Record to be kept in certain cities.

I. Who may not marry.

R. S. 376, 778.

An act concerning marriages, births and deaths.

P. L. 1848, p. 155.
 " 1851, p. 435.
 " 1856, p. 129.
 " 1862, p. 161.
 " 1863, p. 472.
 " 1816, p. 960.
 " 1872, p. 27.

Revision—Approved March 27, 1874.

1. That no man or woman shall intermarry within the degrees hereafter named, that is to say : (a)

(a) A marriage between a man and woman related within the degrees prohibited by law is not void, but voidable, and until dissolved by a court of competent jurisdiction must, in all col-

lateral proceedings, be treated as valid. *Boylan v. De Inzer*, 18 *Stew.* 465.

Within what
degrees marriages
are prohibited.
R. S. 376, § 1.

Grandmother,
Grandfather's wife,
Wife's grandmother,
Father's sister,
Mother's sister,
Son's wife,
Sister,
Son's daughter,
Daughter's daughter,
Son's son's wife,

No man shall marry his

Daughter's son's wife,
Mother,
Stepmother,
Wife's mother,
Daughter,
Wife's daughter,
Wife's son's daughter,
Wife's daughter's daughter,
Brother's daughter,
Sister's daughter.

No woman shall marry her

Grandfather,
Grandmother's husband,
Husband's grandfather,
Father's brother,
Mother's brother,
Father,
Stepfather,
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,
Husband's son's son,
Husband's daughter's son,
Brother's son,
Sister's son.

II. Who may solemnize marriage.

2. [Amended by Secs. 6 and 7, *post.*]

III. Marriage of minors.

3. [Amended by Sec. 8, *post.*]

Penalty for
marrying minors
without consent
of parent or
guardian.
P. L. 1866, p. 960, § 2.

4. That if any justice of the peace, minister of the gospel, or other person having or pretending to have authority to join persons together in the holy bands of matrimony, shall marry any minor or minors, without the consent of the parent or parents, guardian or guardians, or person or persons having the care and government of such minor or minors, had and obtained, according to the direction of this act, and contrary to the true intent and meaning thereof, every such justice of the peace, minister of the gospel, or other person having or pretending to have authority to join persons together in the holy bands of matrimony, shall, for every such offense, forfeit three hundred dollars, to be recovered in an action of debt or information, in any court of record of this state, by the parent, guardian or person having charge of such minor as shall be so joined in marriage as aforesaid, the one-half of the said forfeiture to be paid to the treasurer of the state, for the use of the state, and the other half to be for the use of the parent, guardian, or other person having charge of such minor, who shall prosecute the same to effect. (a)

5. [Amended by Sec. 9, *post.*]

[Secs. 6 to 31 inclusive are repealed by Sec. 26, *post.*]

Supplement.

P. L. 1876, p. 158.

Approved March 17, 1876.

[This act, containing one section, is included amongst the sections repealed by Sec. 26, *post.*, being there referred to as section 31, as will be seen by reference to Rev., p. 636.]

(a) The action must be brought within one year. *Boswell v. Robinson*, 4 Vr. 273. A master must aver that the minor had no parent or guardian living. *Casiner v. Egbert*, 7 Hal. 259. The clergyman cannot give in evidence declarations of the father that he was satisfied, &c. *Wyckoff v. Boggs*, 2 Hal. 138. The clergyman cannot recover of the minor for deceiving him as to

his age. *Harvey v. Bush*, Pen. *975. A clergyman who solemnizes the marriage of a minor without the requisite consent will be liable to the penalty, although the minor marries for the purpose of obtaining the remission of punishment provided for in the seduction act. *Craft v. Jachett*, 13 Vr. 205.

Supplement.

Approved March 9, 1877. P. L. 1877, p. 168.

6. SEC. 1. [This section, amending Sec. 2, *ante*, is again amended by Sec. 7, *post*.]

Supplement.

Approved March 28, 1882. P. L. 1882, p. 203.

7. SEC. 1. That the second section of "An act concerning marriages, births and deaths," approved March twenty-seventh, one thousand eight hundred and seventy-four [see Secs. 2 and 6, *ante*], be and the same is hereby amended to read as follows :

[That every judge of any court of common pleas, and justice of the peace, recorder and police justice, and mayor of a city of this state, and every stated and ordained minister of the gospel, is hereby authorized to solemnize marriages between such persons as may lawfully enter into the matrimonial relation, and every religious society in this state may join together in marriage such persons as are of the said society, or when one of such persons is of such society, according to the rules and customs of the society to which they or either of them belong.] (a)

Who authorized to solemnize marriages.

Supplement.

Approved April 1, 1889. P. L. 1889, p. 139.

8. SEC. 1. That the third section of the act to which this is a supplement be and the same is hereby amended to read as follows :

[That no justice of the peace, minister of the gospel, or other person having, or pretending to have, authority to join persons together in the holy bonds of matrimony, shall marry any male under the age of twenty-one years, or female under the age of eighteen years, unless the parent or parents, guardian or guardians, or person or persons under whose care and government such minor or minors shall be, be present and give consent thereto, or until the minor applying to be married, whether male or female, shall have produced a certificate of consent, in writing, under the hand of the parent or parents, guardian or guardians, or if such minor so applying to be married have no parent or guardian, then under the hand of the person or persons under whose care and government he or she may at that time be ; and if any certificate be produced as aforesaid, the same shall be proved to be genuine by the oath or affirmation of at least one person, of full age and discretion, who was present at the signing of the same, and affixed his or her name as a witness thereto, which oath or affirmation may be administered by any justice of the peace, minister of the gospel, or other person authorized to solemnize marriages as aforesaid, and shall be entered upon the back of said certificate of consent ; and if the person called upon to solemnize any marriage shall suspect that any male applying to be married is under the age of twenty-one years, or that any female applying to be married is under the age of eighteen years, and no consent of the parent or parents, guardian or guardians, or person or persons under whose care and government such male or female may be, shall be obtained as hereinbefore directed, he shall administer to such male or female, or both, as the case may require, an oath or affirmation that such male is of the full age of twenty-one years, and that such female is of the full age of eighteen years, which oath or affirmation shall be entered upon the back of the certificate of marriage required by law to be made by the person solemnizing such marriage, and shall be his justification should the parties so married, or either of them, deceive him as to his or her age.]

Regulations concerning the marriage of minors.

9. SEC. 2. That the fifth section of the act to which this is a supplement be and the same is hereby amended to read as follows :

[That every justice of the peace, minister of the gospel, or other person having, or pretending to have, authority to join persons in marriage, who

Record and return of marriage of minors.

(a) A justice of the peace may solemnize a marriage out of the county for which he is commissioned. *Pearson v. Howey*, 6 Hal. 12.

shall marry any minor or minors by virtue of a certificate of consent had and proved as above directed, shall register the same, or cause it to be registered, in a book by him to be kept for the purpose of registering marriages, and shall attach the original certificate of consent to the certificate of marriage by him required to be made, and shall transmit the same, with said certificate of marriage, to the officer to whom by law he is required to transmit the certificate of marriage, to the end that the same may be forwarded to and filed with the state bureau of vital statistics.]

Supplement.

Approved June 13, 1890.

P. L. 1890, p. 439.

Justices of the supreme court, the chancellor and vice chancellors may solemnize marriages.

10. SEC. 1. That the chief justice and each and every associate justice of the supreme court of this state, and the chancellor and each and every vice chancellor of this state, are each hereby authorized to solemnize marriages between all such persons as may lawfully enter into the matrimonial relation, and that he may thereby join together all such persons as if the marriage were solemnized by a stated and ordained minister of the gospel.

An act to secure in this state the certification of marriages, births and deaths, and of the vital facts relating thereto, and to provide for the record thereof.

P. L. 1888, p. 52.

Certificate of marriage to be transmitted to proper officer.

Approved February 15, 1888.

11. SEC. 1. That it shall be the duty of every judge of any court of common pleas, justice of the peace, recorder, police justice, mayor, minister of the gospel, and other person who shall, under the authority of any law of this state, solemnize any marriage therein, and the clerk or keeper of the minutes of any religious society before which any marriage shall be solemnized in this state, to transmit to the officer hereinafter designated, within thirty days after such solemnization, a certificate of each and every marriage solemnized by any such minister, magistrate or other person, or before any such religious society, which certificate shall set forth particularly the name, age, parentage, birthplace, occupation and residence of each of the persons married, the time and place of the marriage, the condition of each of the persons married, whether single or widowed, the name of the minister, magistrate or person by whom, or of the religious society before which the marriage was solemnized, and the names and residences of the witnesses; any minister, magistrate or other person, or clerk or keeper of the minutes of any religious society, who shall neglect or fail to transmit such certificate to the officer hereinafter designated, within the time aforesaid, shall be liable to a penalty of twenty dollars.

Certificate, what to set forth.

Penalty.

Certificate of birth to be transmitted to the proper officer.

Certificates, what to set forth.

Duty of assessors and clerks.

12. SEC. 2. That it shall be the duty of the physician or midwife present at the birth of any child born in this state, and in case there be no physician or midwife present, then of the parents or either of them, to transmit, within thirty days after such birth, to the officer hereinafter designated, a certificate of such birth, which certificate shall set forth particularly, as far as they can be obtained, the day of the month and year of the birth, the township, city or municipality, and the county, in which the birth occurred, the name of each of the parents, the maiden name of the mother, the birthplace, residence and occupation of each of the parents, the sex and color of the child, the name of the child if it be named, and the name of the attending physician or midwife if any there be; it shall also be the duty of the assessor of every township, and of the clerk or the person acting as registrar of vital statistics in every city, borough, town or other local municipal government, between the first and tenth days of April, in each and every year, to mail to each physician or midwife residing in such township, city, borough, town or other local municipal government, or to supply to every such physician or midwife on application therefor, twelve envelopes of proper size, each with a two-cent postage stamp thereon, to be provided at the expense of the township, city, borough, town or other local municipal government, for the use of said physicians and midwives in transmitting said certificates of birth to the officer hereinafter designated;

any physician, midwife or parent whose duty it may be to transmit such certificate as aforesaid, and who shall neglect or fail to perform such duty within the time above limited, shall be liable to a penalty of twenty dollars ; and the assessor of any township who shall ascertain that any physician, midwife or parent has neglected or failed to perform such duty as aforesaid, within the time above limited, shall forthwith make and sign a certificate setting forth the particulars hereinabove specified, and shall mark the same with the words "special return" but no such certificate of the assessor and no failure of any assessor, clerk or registrar of vital statistics to mail the envelopes aforesaid, shall release any physician or midwife, or any parent, from the duty of certifying such birth in the manner aforesaid, nor from the penalty incurred by any neglect or failure to certify such birth.

Penalty for failure to perform duties.

13. SEC. 3. That when any person shall die within this state, it shall be the duty of the physician who shall have attended such person during his or her last sickness to furnish to the undertaker, or any member of the family applying therefor, a certificate of such death, which certificate shall set forth particularly, to the best of such physician's knowledge, the name, age, sex, color, nativity, occupation, last place of residence, the township, city or municipality and the county within which the death occurred and the cause of death ; if no physician shall have attended such deceased person during his or her last sickness, or if the physician who shall have attended such deceased person shall be absent or sick, so that no certificate of death can be obtained from him in time for burial, then and in either of such cases it shall be lawful for any physician to whom application may be made, after having viewed and examined the dead body, and being satisfied that the deceased person did not come to his or her death by the contrivance, aiding, procuring or other misconduct of any person or persons, to furnish such certificate as aforesaid ; in case the attending physician, or the physician applied to as aforesaid, after having consented to act upon such application and viewed and examined the dead body, shall refuse to furnish such certificate as aforesaid, except upon the ground aforesaid, he shall be liable to a penalty of twenty dollars ; and if any physician shall refuse to furnish such certificate as aforesaid, upon the ground aforesaid, the same proceedings shall be had as are provided by law for the investigation of the cause of violent, sudden or casual deaths, and the physician or officer who shall conduct such investigation shall furnish such certificate of death as aforesaid.

Physicians to furnish undertaker with certificate of death.

What certificate to set forth.

Penalty for refusing to furnish certificate.

14. SEC. 4. That every certificate of marriage or birth required to be made by the first and second sections of this act shall, in any city, borough, town or other local municipal government, be transmitted to the registrar of vital statistics, if there be such officer, and if not, then to the clerk of the city, borough, town or other municipal government in which such marriage or birth shall occur ; and in any township every such certificate shall be transmitted to the assessor of the township in which such marriage or birth shall occur, or if there be no assessor in office, then to the township clerk.

Certificates of marriages and births to be transmitted to registrars, clerks or assessors.

15. SEC. 5. That every certificate of death required to be made by the third section of this act, shall, where the death occurs within any city, borough, town or other local municipal government, be delivered to the registrar of vital statistics of such city, borough, town or other local municipal government, if there be such officer, and if there be no such officer, then to the clerk thereof, and said registrar or clerk shall thereupon issue a permit for the burial of the body of the deceased person described in said certificate of death, and shall forthwith give said permit to the person delivering to him the certificate of death, which permit shall be authority for the burial of such body, but the said certificate of death shall be retained, to be disposed of as hereinafter directed ; where the death occurs within any township and the burial is to be made in any place in this state not within the limits of any city, borough, town or other municipal government, every certificate of such death which shall be furnished to the undertaker, or other person acting as undertaker, shall of itself constitute a sufficient authority for such

Certificate of death to be delivered to registrars, clerks or assessors.

Registrar or clerk to issue permit.

When certificate to be issued to undertaker.

Certificate authority for burial.

Assessor or clerk to issue permit.

Proviso.

Proviso.

In absence of clerk or registrar, judge of court or justice of peace may issue permit for burial, &c.

Form of permit.

Copy of permit transmitted to whom.

Proceedings in case bodies are brought into this state for burial.

burial ; and where the death occurs within any township and the burial is to be made within the limits of any city, borough, town or other local municipal government of this state, every certificate of such death shall be delivered to the assessor of such township, if there be one in office, or if there be no assessor in office, then to the clerk of such township, which assessor or clerk shall thereupon issue a permit for the burial of the body of the deceased person described in such certificate of death, shall give said permit to the person delivering to him the certificate of death, and shall retain the certificate of death, to be disposed of as hereinafter directed ; *provided, however,* that when a death shall occur within any city, borough, town or other local municipal government now existing, or which shall hereafter exist, within the limits of any township, then and in such case a permit for burial shall be obtained in the same manner as in other cities, boroughs, towns and local municipal governments ; *and provided further,* that when a death shall occur within any township and the burial is to be made within the limits of any city, borough, town or other local municipal government of this state, the certificate of any such death may be delivered, if it be more convenient, by the undertaker or person acting as undertaker, to the registrar of vital statistics, if there be such officer, or if there be no such officer, then to the clerk of the city, borough, town or other local municipal government within which such undertaker or person acting as undertaker may reside, or within which the burial is to be made, but in all such cases it shall be the duty of such undertaker or person acting as undertaker, to deliver with said certificate of death, in writing, to such registrar or clerk, the name and post-office address of the assessor, if there be such officer, and if there be none, then of the clerk of the township in which the death shall have occurred, and also the sum of two cents to pay for postage, and said registrar or clerk shall immediately issue a permit for burial as in other cases and shall immediately transmit such certificate by mail to the assessor or clerk whose name and post-office address shall have been furnished as aforesaid, and for any neglect or failure so to transmit such certificate, such registrar or clerk shall be liable to a penalty of twenty dollars.

16. SEC. 6. That in case where, on account of the absence of the registrar of vital statistics or the clerk of any city, borough, town or local municipal government, or for any other sufficient reason, it may be impossible to obtain from such registrar or clerk a permit in time for burial, it shall be lawful for any judge of the court of common pleas or any justice of the peace of the county in which the death occurred, on presentation of the certificate of death to him, and being satisfied that such certificate is genuine, and that no permit can be obtained in time for burial from the clerk aforesaid, to issue a special permit for burial in the following form : " It being impossible to obtain a burial permit from the registrar of vital statistics or the clerk of the [stating here the name of the city, borough, town or other local municipal government], on account of [state here the reason], I, a judge of the court of common pleas [or a justice of the peace], of the county of ———, do hereby grant this special permit for the burial of ———, whose death has been duly certified to me," which permit shall be dated and signed by such judge or justice ; the said judge or justice shall transcribe a copy of said permit upon the back of the certificate of death, shall give the original permit to the person delivering to him the certificate of death, and shall transmit the certificate, with the transcription thereon indorsed, by mail, in an envelope marked " burial permit," to the state bureau of vital statistics, at Trenton ; the judge or justice who shall issue any such permit shall be entitled to charge and receive from the person presenting to him such certificate of death the sum of fifteen cents.

17. SEC. 7. That in case any person shall die without this state, and his or her body shall be brought into this state for burial, it shall be the duty of the family undertaker or other person conveying such body into this state, to bring therewith, or send beforehand, a certificate of death made by the physician who attended such deceased person during his or her last sick-

ness, setting forth the particulars specified in the third section of this act, or in lieu thereof, a certificate of death, setting forth said particulars, may be obtained from any physician duly authorized to practice medicine within this state, who shall reside within the township, city, borough, town or other local municipal government within which the burial is to be made, and who shall have made proper inquiry as to the facts required to be certified, and satisfied himself as to the same; if the burial of such body shall be made in any township of this state, such certificate as aforesaid shall constitute a sufficient permit for burial; but if the burial shall be made in any city, borough, town or local municipal government of this state, the said certificate shall be delivered to the registrar or clerk thereof, who shall issue a permit for burial, as in cases where deaths shall occur within the city, borough, town or local municipal government of which such registrar or clerk is an officer.

18. SEC. 8. That any undertaker or other person who shall be about to remove from this state the body of any deceased person who shall have died within this state, shall, prior to such removal, obtain a certificate of the death of such person, as required by the third section of this act, and such certificate shall be presented to the assessor of the township in which the death shall have occurred, if there be such officer, or if there be none, then to the clerk thereof, or to the registrar of vital statistics of the city, borough, town or other local municipal government, in which the death shall have occurred, or if there be no such officer, then to the clerk thereof, who shall issue to the person presenting such certificate a general or transit permit, according as the case may require; or, if the death shall have occurred in any township, and it shall be more convenient to present said certificate of death to the clerk of some city, borough, town or other municipal government, such course may be adopted, but the person presenting such certificate shall, in such case, also furnish said clerk with the name and post-office address of the assessor, if there be such officer, and if there be none, then of the clerk of the township in which the death shall have occurred, and shall also pay to said clerk the sum of two cents, and said clerk shall thereupon issue a general or transit permit as aforesaid, and shall also forthwith transmit said certificate, by mail, to the assessor or clerk, whose name and post-office address shall have been furnished as aforesaid, and for any neglect or failure so to transmit such certificate, said clerk shall be liable to a penalty of twenty dollars.

Proceedings in case of removal of bodies from this state.

19. SEC. 9. That it shall be the duty of the keeper of every cemetery within this state, owned by any cemetery company organized under any law of this state, to keep a record of all interments made in such cemetery, which record shall include the name of the person interred, last place of residence and the name of the undertaker, or person acting as undertaker; said record shall be a public record and at all times open to the inspection of any persons who, under any of the laws of this state, shall have duties imposed upon them relating to the procurement or tabulation of vital statistics.

Keepers of cemeteries to keep record of interments.

20. SEC. 10. That it shall be the duty of every undertaker in this state, and of every person acting as undertaker in this state, to transmit by mail or otherwise to the assessor of the township, or if there be no assessor, then to the clerk of the township, within five days after burial, the certificate of death which he may have received and used as a burial permit in the case of any person who shall have died in such township, or of any person who shall have died out of this state and been buried in such township, and if he shall neglect or fail so to do he shall be liable to a penalty of twenty dollars; and any undertaker, or person acting as undertaker, who shall bury within this state the body of any deceased person without having first received a permit for burial, according to the true intent and meaning of this act, and any clerk who shall sign any permit for burial and deliver the same, or knowingly suffer it to be delivered, to any undertaker or other person, without having first received a certificate of death, according to the true intent and meaning of this act, shall be liable to a penalty of fifty dollars.

Undertakers to transmit burial certificates to assessors.

Penalty for burying bodies without permit.

Penalty for making false certificates.

21. SEC. 11. That any minister of the gospel, magistrate, physician, midwife or other person, who shall knowingly make any false certificate of marriage, birth or death, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be liable to a fine not exceeding one hundred dollars or imprisonment in the county jail for a period not exceeding three months, or both, at the discretion of the court.

22. SEC. 12. [Amended by Sec. 27, *post.*]

Certificates of marriages, births and deaths to be alphabetically arranged by superintendent of bureau of vital statistics.

23. SEC. 13. That it shall be the duty of the medical superintendent of said bureau to cause the certificates of marriages, births and deaths received by said bureau pursuant to the provisions of this act, to be alphabetically indexed, and in connection with said index to cause to be transcribed or otherwise recorded from said certificates such of the vital facts appearing thereon as the state bureau of vital statistics may deem necessary and useful; the index to the certificates of marriages, of births and of deaths, with said record of vital facts, shall be kept separate and distinct from one another, and shall further be so arranged as to present in separate and distinct classes the index and record for each county, and for each city, borough, town and other local municipal government containing five thousand inhabitants or over, which index and record thus prepared and classified shall be preserved as a public record in the office of the state bureau of vital statistics, and the original certificates shall be preserved in the archives of the bureau of vital statistics; any such original certificate, or any copy thereof, certified to be a true copy under the hand of said medical superintendent, shall be received in evidence in any court of this state to prove the facts therein contained.

State bureau of vital statistics to prepare blank forms of certificates, &c.

24. SEC. 14. That it shall be the duty of the state bureau of vital statistics to cause to be prepared blank forms of certificates of marriages, births and deaths, and of burial permits, corresponding to the requirements of this act, which forms, together with such sections of this law and such instructions and explanations thereof as the said bureau may deem useful to persons having duties to perform under this act, shall be printed and supplied in the same manner as the blanks and stationery for the use of the several departments and public offices of the state government are printed and supplied, and shall be distributed from time to time, as occasion shall require, by said bureau, amongst the assessors of the townships and the registrars and clerks of the cities, boroughs, towns and other local municipal governments of this state; and it shall be the duty of every such assessor, registrar and clerk to make and keep a complete list, as far as possible, of all ministers, magistrates, physicians, midwives, undertakers and other persons required to perform any duties under this act, and on or about the first day of May of each year to send to each such person a printed copy of such sections of this act and of such instructions and explanations as may be prepared as aforesaid, and also to furnish to each such person, on application, free of charge, a reasonable number of said blank forms as such person may require, and all certificates of marriages, births or deaths shall be made on the printed forms furnished by said bureau, or if they be written shall conform in all respects to said printed forms.

Duties of assessors, registrars and clerks.

Penalties, how and by whom recovered.

25. SEC. 15. That any penalty incurred under any of the provisions of this act, which shall relate to any particular marriage, birth or death, may be recovered with costs in an action upon contract in the name of the local board of health of the township, city, borough, town or other local municipal government, within whose limits such particular marriage, birth or death shall have occurred; and any penalty incurred which shall relate to any particular burial, if the death occur in this state, may be recovered in like manner in the name of the local board of health of the township, city, borough, town or other local municipal government, within whose limits the death shall have occurred, but if the death occur without this state then such penalty shall be recovered with costs in an action upon contract in the name of the local board of health of the township, city, borough, town or other local municipal government within whose limits such burials may have been made; it

shall be the duty of any health inspector, registrar of vital statistics or member of any local board of health, who shall know or be informed of any violation of this act, whereby any penalty may have been incurred, to make under oath or affirmation, a complaint against the person incurring such violation, setting forth the facts of such violation, and to file such complaint with the clerk of any district court or any justice of the peace, police justice or recorder of the township, city or municipality within which the local board in whose name the suit may be brought shall have jurisdiction, and the clerk of the district court, the justice of the peace, police justice or recorder with whom any complaint shall be filed as aforesaid, setting forth facts sufficient to show that any penalty prescribed by this act has been incurred, is hereby authorized and required to issue process, either in the nature of a summons or warrant, which process, when in the nature of a warrant, shall be returnable forthwith, and when in the nature of a summons shall be returnable in not less than five nor more than fifteen days; on the return of such process, or at any time to which the trial shall have been adjourned, the said court, justice of the peace, police justice or recorder, shall proceed to hear the testimony and to determine and give judgment in the matter without the filing of any pleadings, and if judgment shall be given in favor of the plaintiff, execution shall be forthwith issued against the goods and chattels and person of the defendant for the amount of the penalty with costs; the officers to serve and execute any process or execution issued as aforesaid, shall be the constables of the county, which service and execution shall be made in the same manner and under the same liabilities as prescribed in cases of the service and execution of process and executions by the act entitled "An act constituting courts for the trial of small causes" and the supplements thereto; all moneys recovered in any such action shall be paid to the local board of health in whose name the suit may have been brought, for the uses of such board.

26. SEC. 16. That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

Amendatory act.

Approved March 29, 1892.

P. L. 1892, p. 351.

27. SEC. 1. That section twelve of an act entitled "An act to secure in this state the certification of marriages, births and deaths, and of the vital facts relating thereto, and to provide for the record thereof," approved February fifteenth, one thousand eight hundred and eighty-eight [see Sec. 22, *ante*], be and the same is hereby amended so that the same shall read as follows:

[That it shall be the duty of the assessor and clerk of every township, and of the registrar of vital statistics and the clerk of every city, borough, town, and of the clerk of every county board of health and vital statistics, or other local municipal government in this state, on or before the fifteenth day of each calendar month, to transmit by mail to the state bureau of vital statistics at Trenton, in an envelope marked "vital statistics," all the certificates of marriages, births and deaths received by such officer, and of all "special returns" of births made during the preceding month, which certificates and returns it shall be the duty of every such officer to receive for such transmission; and every such assessor, registrar or clerk, upon receiving a certificate from the medical superintendent of said bureau of the whole number of certificates of marriages, births and deaths returned as aforesaid, shall be entitled to receive from the proper disbursing officer of the township, city, borough, town, county or other local municipal government in which such assessor, registrar or clerk shall be an officer, the sum of ten cents for each marriage, birth and death so returned, the receipt for which shall be attached to the said certificate of the said medical superintendent, and no payment shall be made unless such certificate be produced; and it shall further be the duty of the registrar of vital statistics, or the clerk of every city containing thirty thousand inhabitants or over, provided he has been

Assessors, clerks and registrars to transmit certificates to bureau of vital statistics.

Fee for each certificate.

Record of births, marriages and deaths to be kept in certain cities.

or shall be so directed by the common council, or other governing body thereof, before transmitting said certificates to the state bureau of vital statistics, to make a complete record of the marriages, births and deaths occurring in such city, which record shall be a transcript of the names and vital facts appearing upon the certificates of marriages, births and deaths delivered to him as hereinbefore directed; the said record shall be so made up that the marriages, the births and the deaths shall appear in separate and distinct classes, in books of such form as may be approved by the local board of health, and for making such record the said registrar or clerk shall be entitled to receive from the disbursing officer of said city the sum of three cents for each certificate thus recorded in addition to his other fees and salary.]

Married Women.

I. THE PROPERTY AND CONTRACTS OF A MARRIED WOMAN.

1. Woman married since July 4th, 1852, to retain property owned by her at time of marriage.
2. Also property now owned by her.
3. Also property acquired during marriage.
4. To be entitled to her own earnings.
5. Amended by section 26.
6. May execute conveyances for her land if husband lunatic, in prison or living separate.
7. May bind herself by covenants in conveyance.
8. May execute release without concurrence of husband.

II. MAY MAKE WILL.

9. Will of married woman.

III. MAY SUE AND BE SUED IN HER OWN NAME.

10. Husband not liable for debts of wife contracted before or after marriage.
11. Wife may sue without joining husband.
12. Effect of judgment against married woman.

IV. GENERAL PROVISIONS.

13. Ante-nuptial contracts.
14. Husband must join in conveyance of wife's land.
15. Wife's separate property not subject to husband, nor to his debts.

V. SUPPLEMENTS.

16. Amended by section 19.
17. Married man living separate from his wife by virtue of a decree may convey, mortgage, &c., as if unmarried.
18. Married woman living separate from her husband may release or bar her dower.
19. Married woman living separate from her husband by virtue of decree may convey, mortgage, &c., as if unmarried.

20. Amended by section 22.
21. Amended by section 23.
22. A married woman living separate from her husband, who neglects to support her, may, under order of chancery, convey, mortgage, &c., her lands as if unmarried.
23. Married woman may release inchoate right of dower where husband's lands have been sold under judgment or decree, &c.
24. Married woman may execute conveyance of her real estate when the deed is in execution of a written contract to which her husband was a party, &c.
25. Act applicable to contracts heretofore made.
26. Married women may bind themselves by contract.
27. Repealer.
28. Married woman may, with concurrence of husband, convey any interest which she may have in real or personal property.

VI. MISCELLANEOUS ACTS.

29. Married woman may cause life of her husband to be insured for her sole use.
30. Insurance may be made payable to children on her death.
31. Married woman may transfer policies to husband or other person with his assent.
32. Married woman living separate from husband may, in certain cases, convey, mortgage, &c., real property.
33. In certain cases married woman may convey real property without concurrence of husband.
34. Repealer.
35. Married woman may convey lands where husband is a lunatic under order of chancery.
36. Court of chancery may inquire into merits of application to make such conveyance.
37. Further provisions concerning sale or exchange of lands by a married woman whose husband is a lunatic, &c.
38. Court may impose such terms upon the conveyance as it shall deem advisable.

I. The property and contracts of a married woman.

An act to amend the law relating to the property of married women.

Revison—Approved March 27, 1874.

- P. L. 1852, p. 407.
 " 1857, p. 485.
 " 1864, p. 442,
 698.
 " 1868, p. 782.
 " 1873, p. 108.

Married woman to retain property owned by her at time of marriage.
 P. L. 1852, p. 407, § 1.
 Amended.

1. That the real and personal property of any woman who has married since the fourth day of July, in the year of our Lord one thousand eight hundred and fifty-two, or who may hereafter marry, and which she owned, or shall own, at the time of her marriage, shall be and continue her sole and separate property, as if she were a single woman. (a)

(a) This act was not intended to affect the estate of the husband, but only that of the wife. *Prall v. Smith*, 2 Vr. 244. The husband has no interest in his wife's lands during her life. *Porch v. Fries*, 3 C. E. Gr. 204. But see *Johnson v. Cummins*, 1 C. E. Gr. 97. Nor in an estate for life conveyed to her since 1852. *Adams v. Ross*, 1 Vr. 505. If she purchase lands with her

own money, take the title in her husband's name, and they give a mortgage thereon, she acquires no equitable title on the ground that her labors mainly contributed to pay off the mortgage. *Skullman v. Skullman*, 2 Beas. 403. *Annis v. Annis*, 9 C. E. Gr. 184. Where money for the husband's benefit is raised by mortgaging the wife's lands, she, or her heir, will be deemed a