

*When Incestuous - - - Who may Celebrate.*

**5. PROCEEDINGS BEFORE JUSTICE.]** And it is hereby declared to be the duty of any justice of the peace or police magistrate within this state, upon oath having been made in writing before him by any owner or by the agent of any owner or owners, that any person has violated any of the provisions of this act, to immediately issue his warrant, and cause such person or persons so accused to be brought before him, and proceed to try such accused party, as in cases of assault and battery, and in case such accused party shall be found guilty of having violated any of the provisions of this act, shall assess the fine as provided in § 2 of this act; such fine and costs to be collected as provided by law in other cases of misdemeanor.

**6. SEARCH WARRANT.] § 4.** In case the owner or owners of any cask, barrel, keg, bottle or box so marked, stamped and registered as aforesaid, shall, in person or by agent, make oath in writing before any justice of the peace or police magistrate, that he has reason to believe and does believe, that any manufacturer or bottler of ale, porter, lager beer, soda, mineral water or other beverage, or any other person, is using in any manner, by this act declared to be unlawful, any of the casks, barrels, kegs, bottles or boxes of such person, or his principal, or that any junk dealer or dealer in casks, barrels, kegs, bottles or boxes, or any other dealer, manufacturer or bottler has any such cask, barrel, keg, bottle or box secreted in, about or upon his or her or their premises, the said justice of the peace or police magistrate shall issue his search warrant and cause the premises designated to be searched, as in other cases where search warrants are issued, as is now provided by law; and in case any such cask, barrel, keg, bottle or box, duly marked or stamped and registered as aforesaid, shall be found in, upon or about the premises so designated, the officer executing such search warrant shall thereupon arrest the person or persons named in such search warrant and bring him, her or them before the justice of the peace or police magistrate who issued such warrant, who shall thereupon hear and determine such case, and if the accused is found guilty, he, she, or they shall be fined as provided in § 2 of this act.

**7. FINES AND COSTS.] § 5.** All costs incurred in the enforcement of the provisions of this act, shall be assessed and collected in the same manner as in criminal cases, and all fines collected by virtue of this act shall be turned over by the justice of the peace or police magistrate collecting the same, in the same manner and for the same purpose as fines in cases of assault and battery are now by law disposed of.

## MARRIAGES.

§ 1. *When Incestuous.*

§ 2. *By Insane or Idiot.*

§ 3. *Age of Parties.*

§ 4. *Who may Celebrate.*

§ 5. *As a Religious Ceremony.*

§ 6. *License, Publication of Intention.*

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§ 18. *Acts Repealed, References.*

*An act to Revise the law in relation to Marriages. Approved 27th February 1874. In force 1 July 1874.*

**WHEN INCESTUOUS.] § 1.** Marriages between parents and children, including grandparents and grandchildren of every degree, between brothers and sisters of the half as well as of the whole blood, and between uncles and nieces, aunts and nephews, are declared to be incestuous and void. This section shall extend to illegitimate as well as legitimate children and relations.

**INSANE AND IDIOT.] § 2.** No insane person or idiot shall be capable of contracting marriage.

**AGE OF PARTIES.] § 3.** Male persons over the age of 17 years, and females over the age of 14, may contract and be joined in marriage.

**WHO MAY CELEBRATE.] § 4.** Marriages may be celebrated either by a minister of the gospel in regular standing in the church or society to which he belongs; by a judge of any court of record, or a justice of the peace.

*As a Religious Ceremony - - Celebration without License : Penalties.*

AS A RELIGIOUS CEREMONY.] § 5. All persons belonging to any religious society, church or denomination, may celebrate their marriage according to the rules and principles of such religious society, church or denomination.

LICENSE : PUBLICATION OF INTENTION.] § 6. Persons intending to be joined in marriage shall, before their marriage, obtain a license from the county clerk of the county where such marriage is to take place, or shall cause their intention to marry to be published, at least two weeks previous to the marriage, in the church or congregation to which the parties or one of them belongs.

FORM OF LICENSE.] § 7. The license shall be substantially in the following form :

STATE OF ILLINOIS, }  
County. } ss.

Marriage may be celebrated between A. B. of . . . , in the county of . . . , and state of . . . , of the age of . . . years, and C. D. of . . . , in the county of . . . , and state of . . . , of the age of . . . years, (if the man is under the age of 21 years, or the woman under 18 years of age), add the following; the father, (or mother, or guardian, as the case may be), of the said A. B. and C. D. (or A. B. or C. D. as the case may require), having given his (or her) assent to said marriage.

Witness . . . . .

County Clerk, and the seal of said county.

EXAMINED AS TO AGE UNDER OATH.] § 8. For the purpose of ascertaining the ages of the parties, the county clerk may examine either of them, or any other witness, under oath.

CERTIFICATE AND LICENSE RETURNED.] § 9. The minister, judge or justice of the peace, or if the marriage is celebrated according to the rules and principles of a religious society, church or denomination, and there be no minister, then the clerk or secretary of such society, church or denomination shall, within 30 days after such marriage is solemnized, make a certificate thereof, and return the same together with the license, if one has been issued, to the clerk of the county in which the marriage took place, or to his successor in office.

FORM OF CERTIFICATE.] § 10. The certificate may be substantially in the following form :

STATE OF ILLINOIS, }  
County. } ss.

I, E. F., a justice of the peace (or as the case may be), hereby certify that A. B. and C. D. were united in marriage by me, at . . . in the county of . . . , and state of . . . on the . . . day of . . . , A. D. . . .

REGISTRATION BY THE CLERK.] § 11. The county clerk, upon receiving such certificate, shall make a registry thereof in a book to be kept in his office for that purpose only; which registry shall contain the christian and surnames of the parties, the time of their marriage, and the name of the person certifying the same; he shall also at the same time indorse on such certificate the time when the same is registered, and shall number and carefully preserve the same.

REGISTRATION, EFFECT AS EVIDENCE.] § 12. Such certificate or a copy of the same, or of the entry in such registry, certified by the county clerk, under the seal of the county, shall be received as evidence of the marriage of the parties as therein stated.

PARTIES UNDER AGE : PENALTIES.] § 13. If any county clerk shall issue a license for the marriage of a man under the age of 21 years, or of a woman under the age of 18 years, without the consent of his or her father, (or if he is dead or incapable, or not residing with his family, of his or her mother or guardian if he or she have one, first had thereto) he shall forfeit and pay the sum of \$300. for each offense, to be recovered by such father, mother or guardian, in an action of debt, in any court of competent jurisdiction.

FAILING TO REGISTER CERTIFICATE.] § 14. If any county clerk shall refuse or neglect to register and file any marriage certificate according to law, for more than 30 days after the same is returned to him for that purpose (his fees therefor being paid) he shall forfeit and pay \$100., to be recovered by the party injured, in an action of debt, in any court of competent jurisdiction.

CELEBRATION WITHOUT LICENSE : PENALTIES.] § 15. If any minister, judge or justice of the peace, or any other officer or person or persons shall celebrate a marriage without a license having been first obtained therefor as provided by law, he or they shall for every such offense forfeit and pay \$100., to be recovered in the name of the People

*Who are Liable - - - Enrolment Enforced.*

of the State, in an action of debt, in any court of competent jurisdiction: *Provided*, this section shall not apply where the intention of the parties to marry has been published, as required in § 6 of this act.

FAILING TO RETURN CERTIFICATE.] § 16. If any minister, judge or justice of the peace having celebrated a marriage, or any clerk or secretary of any society, church or denomination among whom a marriage is celebrated, and whose duty it shall be to make and return a certificate of such marriage, shall fail to make and return to the county clerk such certificate in the time and manner provided by law, he shall forfeit and pay \$100., to be recovered in the name of the People of the State of Illinois, in an action of debt, in any court of competent jurisdiction.

STATE'S ATTORNEY TO PROSECUTE.] § 17. It shall be the duty of the state's attorney of the proper county to prosecute all offenses under the two preceding sections.

REPEALS.] § 18. Chapter 69 of the Revised Statutes of 1845, entitled "Marriages,"<sup>1</sup> and an act entitled "An act to amend the law in relation to marriages," approved February 16, 1847<sup>2</sup> and all other acts and parts of acts inconsistent with the provisions of this act, are hereby repealed, except as herein re-enacted: *Provided*, that this section shall not be so construed as to affect any rights existing or actions pending at the time this act shall take effect.

MILITIA.

- § 1. *Who are Liable.*
- § 2. *Militia Enrolled.*
- § 3. *Officers Appointed.*
- § 4. *Pay and Subsistence.*
- § 5. *Enrolment Enforced.*
- § 6. *Wilful Refusal or Neglect.*
- § 7. *Independent Companies.*
- § 8. *Furnished State Arms.*

- § 9. *Bond to the State.*
- § 10. *Adjutant General.*
- § 11. *His Duties.*
- § 12. *Issue Orders.*
- § 13. *State Arsenal.*
- § 14. *Custody of War Trophies.*
- § 15. *His Assistant, Salary.*
- § 16. *Report to the Governor.*

*An act to Revise the law in relation to the State Militia. Approved 23d March 1874. In force 1 July 1874.*

WHO ARE LIABLE.] § 1. The militia of the state shall consist of all able bodied male persons between the ages of 18 and 45, resident in the state, except such persons as are or may be by the laws of the United States exempted from performing military service, and except all state and county officers and such as may on account of their profession or employment, be exempted by the commander in chief, by his order or proclamation.

MILITIA ENROLLED.] § 2. When it is necessary to execute the laws, suppress insurrection or repel invasion, or when a requisition shall be made by the president of the United States for troops, the governor as commander in chief, shall, by his proclamation, require the enrolment of the militia of the state, or of such portion thereof as may be necessary, and shall appoint necessary enrolling officers and prescribe their duties, issuing all proper orders that may be required in the premises; and may designate the place of rendezvous, provide for the organization of the militia into companies, battalions, regiments, brigades and divisions, and their equipment as the case may require: *Provided*, the organization, equipment and discipline of the militia shall conform as nearly as practicable to the regulations for the government of the army of the United States.

OFFICERS APPOINTED.] § 3. The governor shall appoint by and with the advice and consent of the senate and commission, all battalion, regimental, brigade and division officers and the captains and first and second lieutenants of companies.

PAY AND SUBSISTENCE.] § 4. The militia when called into active service, shall receive the same pay and subsistence as is provided for like troops in the service of the United States.

ENROLMENT ENFORCED.] § 5. Every person liable to military duty, shall when required pursuant to this act, enroll himself as a member of some company, and

<sup>1</sup> 1 Gr. St. 437 §§ 1—10.

<sup>2</sup> *Id.* 1.