

FIFTH GUAM LEGISLATURE
1959 (FIRST) Regular Session

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CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 24, "An Act to amend Section 69, Civil Code of Guam, to repeal Section 9309 of the Government Code of Guam relating to applications for marriage licenses, and for other purposes", was on the 30th day of January, 1959, duly and regularly passed.




A. B. NON-PAT
Speaker

ATTESTED:

V. E. BAMBA
Legislative Secretary

This Act was received by the Governor this 12th day
of March, 1959 at 9:30 o'clock A. M.


MARCELLUS GRAEME BOSS
Secretary of Guam

APPROVED:


RICHARD BARRETT LOWE
Governor of Guam

Dated: MAR 13 1959

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Bill No. 24

Introduced by Committee on Judiciary,
by request

AN ACT TO AMEND SECTION 69, CIVIL CODE OF GUAM,
TO REPEAL SECTION 9309 OF THE GOVERNMENT CODE
OF GUAM RELATING TO APPLICATIONS FOR MARRIAGE
LICENSES, AND FOR OTHER PURPOSES.

BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

Section 1. Section 69, Civil Code of Guam, is hereby amended
to read as follows:

"Section 69. Marriage licenses. (a) All persons
about to be joined in marriage must first obtain a license
therefor, from the Department of Finance, which license must
show:

1. The identity of the parties.
2. Their real and full names, residence, and place of birth.
3. Their ages and date of birth.
4. Their citizenship.
5. If an alien, whether a resident alien or non-immigrant alien.
6. Number of previous marriages wherever contracted and how terminated, the occupation of the parties, maiden name of the female if previously married, the names and birthplaces of the parents of each, and the maiden name of the mother of each.

(b) No license shall be granted when either of the applicants therefor is an imbecile, or insane, or who at the time of making the application, or proofs herein required, for said license, is under the influence of any intoxicating liquor, or narcotic drug. If the male is under the age of 21 years, or the female is under the age of 18 years, and such person has not been previously married, no license shall be issued, unless the

1 consent in writing of the parents of the person under age,
2 or one of such parents, or of his or her guardian, is presented
3 with the application, duly verified by such parents, or
4 parent, or guardian; and such consent must be retained
5 on file in the Department of Finance with such application;
6 and the fact of consent must be noted in the license: Pro-
7 vided, that such written consent shall not be required of
8 unmarried males of 18 years or over who do not live under
9 parental authority. No license to marry between first
10 cousins, between an adoptive parent and an adoptive person,
11 between a step-parent and a step-person, and between a
12 guardian and ward, shall be issued without an order in writing
13 from the Island Court. No license to marry shall be issued
14 without an order in writing from the Island Court for any
15 male between the ages of 16 and 18 and any female between
16 the ages of 14 and 16 in addition to the consent of the
17 parents, or one of such parents, or guardian as heretofore
18 provided. No license to marry shall be issued in any case
19 for any male under the age of 16 or any female under the
20 age of 14.

21 (c) Applications for marriage licenses shall be made
22 on a form prescribed by the Director of Finance and must be
23 sworn to by both applicants before the Director of Finance or
24 his deputy. No license shall be issued until after the ex-
25 piration of five (5) days after the filing of the application.
26 Such waiting period may be waived upon the order in writing
27 of the Island Court granted for good cause shown.

28 (d) For the purpose of ascertaining all facts mentioned
29 or required in this section, the Director of Finance, or his
30 deputy, may examine under oath, or require written affidavits
31 from, the applicants for a license and as many supporting
32 witnesses as he deems necessary. Such examination shall be

1 reduced to writing and subscribed by all parties swearing to
2 the facts therein. In the case of termination of a previous
3 marriage by divorce or annulment, the applicant shall furnish
4 a certified copy of the final decree of divorce or annulment.
5 In the case of termination of a previous marriage by death of
6 the spouse, the applicant shall furnish a certified copy of the
7 record of death. If a certified copy of a final decree of
8 divorce, annulment, or record of death as required herein is
9 not available, the applicant may submit in lieu thereof an affida-
10 vit setting forth in such form as the Director may require and the
11 reason why it is not obtainable.

12 (e) Any application for a marriage license, and any
13 allied documents, on file with the Director of Finance, shall
14 be open to public inspection.

15 (f) Any person who shall swear falsely to an application
16 for marriage license, or who shall make or present any false
17 affidavit, statement, or testimony in any proceeding under
18 subsection (d), shall be guilty of a felony and shall be subject
19 to a fine of not more than \$1000.00 or imprisonment for not more
20 than five (5) years, or both.

21 (g) No marriage license shall be effective nor shall it
22 authorize the performance of a marriage ceremony after the
23 expiration of sixty (60) days from the date of issuance of such
24 license. This provision shall be printed on each license in
25 prominent type.

26 (h) The Director of Finance, and deputies designated by
27 him, are authorized to administer oaths in connection with the
28 administration of this section.

29 (i) A fee of two dollars (\$2.00) shall accompany each
30 application for a marriage license and shall not be refunded if
31 the license is not issued or used. No marriage license fees
32 collected by the government of Guam prior to the enactment of

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this subsection shall be refunded."

Section 2. Section 9309 of the Government Code of Guam is hereby repealed in its entirety.

Section 3. This Act shall become effective at 12:01 a.m., on the 10th day after approval by the Governor.

Section 4. This Act is an urgency measure.