

L. 1912, Chapter 199 - A342.
Introduced February 14 by Mr. Gill.
Not amended during passage.
No statement on bill.

L. 1939, Chapter 227 - A10
Introduced January 16 by Mr. Cavicchia.
Amended during passage.
Statement on bill (copy of original bill and statement enclosed).

No hearings or reports could be found on these bills.

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ASSEMBLY, No. 10

(Revised Statutes, section 37:1-10.)

STATE OF NEW JERSEY

INTRODUCED JANUARY 16, 1939

By Mr. CAVICCHIA

Referred to Committee on Revision and Amendment of Laws

AN ACT concerning marriages, and amending section 37:1-10 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 37:1-10 of the Revised Statutes is hereby amended to read
2 as follows:

3 37:1-10. Nothing in this chapter shall be deemed or taken to render any
4 common law or other marriage, otherwise lawful, contracted before April
5 first, nineteen hundred and thirty-nine, invalid by reason of the failure to
6 take out a license as herein provided. But no marriage contracted on and
7 after April first, nineteen hundred and thirty-nine, shall be valid unless the
8 contracting parties shall have obtained a marriage license as required by
9 section 37:1-2 of this Title, and unless, also, the marriage, after license duly
10 issued therefor, shall have been performed by or before any person, re-
11 ligious society, institution or organization authorized by section 37:1-13 of
12 this Title to solemnize marriages; and failure in any case to comply with
13 both prerequisites aforesaid, which shall always be construed as mandatory
14 and not merely directory, shall render the purported marriage absolutely
15 void.

1 2. This act shall take effect immediately.

STATEMENT

The purposes of this bill are two-fold. First, it gives full force and effect, otherwise lacking, to the premarital examination law passed last year as Chapter 126, Laws of 1938. Unless this bill is passed, a loophole is provided for the marriage of persons who will not submit to a blood test or who, after having submitted thereto, are found to be infected with syphilis, thus making impossible the issuance of the health certificate required by the premarital test law. Such persons may nevertheless avail themselves of the validity of a common law marriage, which provides the avenue of escape from the regulatory direction of the 1938 law.

An equally important purpose, however, is to abolish forever the privilege of contracting common law marriages in New Jersey. This is in line with the action of a majority of the States.

The many abuses arising from common law marriages and the countless claims of marital relations under this loose form of matrimony impel the passage of the corrective legislation designed by this bill. In New York, for instance, in 1933 a statute disqualifying such marriages was finally passed at the request of the Decedent Estate Commission. The vote was 184 in favor and one against. The question is not controversial, and the trend throughout the country is to abolish any form of marriage which is not regulated exclusively by statute. This makes possible the maintenance of proper records, desirable from the State's standpoint as well as from either spouse's; and, in view of the 1938 premarital examination law, makes ironclad the regulation and supervision of marriages to prevent the spread of syphilis.

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