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The New Illinois Marriage Law*

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cover him with blessings and tell him that he is going to transfer his confidence from him to the consultant. Do you wonder that the wily practitioner makes it a point to be present at the consultation?

The patient who is sent to a specialist is thereby denied the liberty of consulting him thereafter or of transferring his case to the specialist's care, except at the suggestion of and with the free consent of the physician who sent him. Such a ruling may seem cruel both to specialist and patient. Such rules, however, are essential to the existence of society.

THE REWARD

Give yourselves the pleasure in your contacts with patients of appreciating and rewarding their adoration of you. They think of you as godlike, therefore put on the attributes of divinity.

Be firm; be wise; be prudent; be gentle; be as clean and high-minded as you would have your patient to be. Do these things, and you will step into a world of simple stripped honesty, a world where hopelessness strips souls of sham. Then give back Hope, that bitter-sweet, and your name will be called blessed.

THE NEW ILLINOIS MARRIAGE LAW *

By H. GRADY VIEN, Attorney

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The last session of the Illinois Legislature passed an amendment to the Marriage Act, which requires persons to be examined by a duly licensed physician fifteen days before obtaining a license to marry, in order to determine the existence or non-existence of venereal disease. The Act makes it unlawful for County Clerks to issue licenses to persons who fail to present such certificate showing that they are free from such disease. The certificate must be accompanied by laboratory tests of microscopical examination and the Wassermann or Kahn Test.

It contains a penalty clause

providing for a fine of not less than \$100 nor more than \$500 for any County Clerk unlawfully issuing or refusing to issue such a license, or any physician making a false statement in connection therewith. Applicants who violate the law are subject to a fine of not less than \$100, or imprisonment for not less than three months, or both.

Such a law has been enacted in several other states, particularly in Connecticut in 1935, and, as far as we have been able to learn, the result has been very satisfactory. The United States Public Health Service is now engaged in a vigorous campaign to combat syphilis, and such laws enacted by the re-

* Address to Belleville Guild, August 25, 1937.

spective states will help materially to eradicate or counteract this disease.

The result of the law has been that many couples from Illinois now go to adjoining states to be wed, and the question naturally arises as to the legality of such marriages contracted outside of the state of Illinois, and which do not meet the requirements of the Illinois law.

In the first instance, it is fundamental that a state has the right to enact laws personally binding its citizens while in a foreign jurisdiction, providing such laws specifically bind them, and the state may also declare that marriages in a foreign state are legally void, even though they are legally valid in the foreign state when contracted between citizens of the first state.

It must also be conceded that marriages between citizens of one state, contracted in a foreign state, and which are legally valid in the latter, are also legally valid in the state of their domicile. This is a general legal proposition, but it is subject to exception. If such a marriage so contracted is incestuous, polygamous, or declared by positive law to have no legal validity in Illinois, that being the state of the domicile of the contracting parties, then such a marriage would be legally void.

The Illinois courts have repeatedly recognized these rules of law, and also the exception, and so we are faced with the question: Does the Illinois Marriage Act, as

amended in 1937, declare marriages contracted in a foreign jurisdiction contrary to its terms to be legally void?

It is to be noted that the law merely provides a penalty for the violation of its provision. It does not prohibit such marriages, or declare them to be legally void if contracted outside of the state of Illinois.

Since 1915, the Uniform Marriage Evasion Act has been in effect in Illinois, which prohibits its citizens from contracting marriages in other states, which are prohibited and declared legally void by the laws of Illinois, and declares such marriages to be legally void for all purposes with the same effect as though such prohibited marriages had been entered into in Illinois. If the law had provided that such marriages were legally void, then there would be no doubt but that they were invalid, but since the law is silent in this regard and exacts only a penalty for a violation of its provisions, it seems that such marriages would be legally valid.

The Divorce Statute formerly prohibited remarriage within one year after divorce in certain cases, and because of such a direct prohibition, the Illinois courts held that marriages contracted by residents of Illinois in another state in violation of the terms of such law were absolutely legally void in Illinois.

The question presented is quite interesting, but after reviewing the decisions of the Illinois courts,

there does not seem to be any doubt about the legal validity of such marriages performed in foreign jurisdictions.

* * *

The advantages to be gained from the Illinois Act can easily be foretold from the experience in other states where the law has been in force for several years, particularly Connecticut. Parents are particularly pleased, because they know that their sons and daughters are united with good, clean life mates. The health rate of children should increase, and the number of weak and deformed children should decrease. There should be fewer deaths of mothers at childbirth. And then again, it is easy to understand how there should be a rapid decline in the number of divorces. The old Roman maxim: "Mens Sana in Corpore Sano" should apply abundantly, and as a result, the number of divorces should decline rapidly, because the mental

state of the married couples will work for greater harmony and happiness.

Wisconsin and Michigan now have laws very similar to those in force in Connecticut and Illinois. The movement is bound to grow rapidly. Each year we should learn of remarkable strides of progress in those states which have such laws. The United States Public Health Service is not only extending a helping hand to them, but for the past several years has been a leader in the movement to combat venereal diseases by bringing them into the open rather than keeping them a hidden secret, which might have a fascination or an allurements for the young.

Even though the new law is but a few months old, the statistics available in Illinois readily show the wisdom of the proponents of the Bill. It means much, not only to the youth of our country, but also to its future progress and growth.

GUILD NOTES

FEDERATION OF CATHOLIC PHYSICIANS' GUILDS—The Executive Committee met on September 13th and reviewed the work of the past year. The officers were re-elected for another term. The management of LINACRE QUARTERLY during the past year has been in the hands of the President, Dr. Joseph A. Dillon, and to him the Executive Committee has also entrusted the Editorship for the ensuing year. Dr. James F. Power will continue to act as Treasurer

of the magazine, as well as of the Federation.

BELLEVILLE GUILD—A successful meeting was held at St. Henry's College on August 25th. The Oblate Fathers were most generous hosts. In the absence of the President, Dr. Everett, the Chair was occupied by Dr. Reis, the former President. The Guild decided to continue its health program in the parochial schools through the volunteer ser-