

The Fourth Synod

of the

Diocese of Providence

Celebrated October 8, 1952

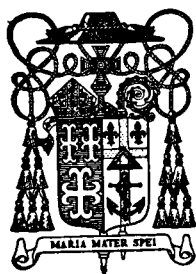
With

His Excellency

The Most Reverend Russell J. McVinney, D.D.

Bishop of Providence

Presiding



CATHEDRAL OF SAINTS PETER AND PAUL

PROVIDENCE, RHODE ISLAND

H43
1952

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§ 2. Care must be taken that those who aspire to sacred Orders are received into the seminary from their early years.

§ 3. Careful attention should also be accorded to those who give signs of a late vocation.

218.

Parents should be instructed concerning the necessity and the high dignity of the clerical and religious state, and they should be encouraged to foster vocations among their children.

219.

It is unlawful to force anyone in any way to embrace the clerical state or to prevent anyone who is canonically qualified from embracing the clerical state.

220.

§ 1. The annual visitation of the Catholic schools in the diocese will be made by the members of the faculty of Our Lady of Providence Seminary during the first term of the school year.

§ 2. During the month of March the annual Vocation Novena will be conducted according to the diocesan regulations and plan.

§ 3. All requests to speak on vocations or to make an appeal for vocations in the schools of the diocese must be referred to the office of the Diocesan Director of Vocations.

221.

§ 1. The name of each candidate for Major Orders, except in the case of religious with simple or solemn perpetual vows, shall be publicly announced in his parish church during Mass on Sunday or a Holy Day of Obligation before the reception of the sacred Order.

§ 2. All the faithful are under obligation to make known immediately to Us or to the parish priest any irregularities and other impediments to sacred Orders of which they have knowledge.

222.

When the pastor of the place of baptism receives the notice of the ordination of a subdeacon, he must record the fact of this ordination in the baptismal register.

223.

§ 1. We paternally urge the diocesan priests to take a spiritual and material interest in the diocesan minor Seminary of Our Lady of Providence in cooperating with Us in the formation of youths for the service of the diocese.

§ 2. Where need for financial assistance has been definitely established for worthy students of the parish, the pastor may provide such assistance from the parish treasury.

§ 3. There will be an annual collection on the second Sunday of March for the support of the diocesan minor seminary and of priestly vocations in the diocese.

H. SACRAMENT OF MATRIMONY.

224.

The sacred institution of marriage, divinely established from the very foundation of the human race and raised by Our Lord Jesus Christ to the dignity of a sacrament in the New Law, has always been the object of earnest solicitude on the part of the Church, which has ordained appropriate precautions suited to its sacred character to protect it from all danger of irreverence or invalidity.

225.

All priests should be thoroughly familiar with the ecclesiastical laws pertaining to marriage as found in the Code of Canon Law and the subsequent decrees of the Sacred Congregations.

226.

§ 1. To aid in ascertaining that there is no obstacle to the valid and licit celebration of a marriage, the form of the pre-nuptial investigation published in this diocese must be used

in arranging all marriages, except in the danger of death when very special circumstances may warrant the prescriptions of Canon 1019.

- 1° The parties are to be queried according to the questionnaire separately and not in each other's presence.
- 2° The priest must ask each question in a prudent and serious manner, making certain that the person fully understands its meaning.
- 3° The blank space after each question must be filled in even though the priest may have to write: "it does not apply".

§ 2. The prenuptial investigation form and all documents pertaining to each marriage are to be carefully filed in the archives of the parish in which the marriage takes place.

227.

§ 1. The pastor who has the right to assist at the marriage must make the prenuptial investigation.

§ 2. This obligation is grave and must be fulfilled even when he is morally certain that no impediment will be discovered.

228.

§ 1. In a marriage between Catholics of the Latin Rite, it is the rule that the marriage should be contracted before the pastor of the bride, unless a just reason excuses.

- 1° Whenever for a just reason the pastor of the groom wishes to assist at the marriage, We must be informed in each case before the arrangements are made.

§ 2. In a marriage between a Catholic of the Latin Rite and a Catholic of an Oriental Rite, as well as in a marriage between Catholics of Oriental Rites under Our jurisdiction, the marriage should be contracted before the pastor of the groom.

§ 3. In a marriage between a Catholic and a non-Catholic, the marriage should be contracted before the pastor of the Catholic party.

§ 4. A pastor of the Latin Rite may not make arrangements for a marriage between two Catholics of the Oriental Rite, or for a marriage between an Oriental Catholic and a non-Catholic unless he has previously consulted the Chancery. (Cf. Statute 107 under baptism).

229.

§ 1. In a marriage between Catholics of the Latin Rite, the pastor of the groom should inquire into the free status of the groom and notify the pastor of the bride as to the outcome of his investigation.

§ 2. In a marriage between a Catholic of the Latin Rite and a Catholic of an Oriental Rite, as well as in a marriage between Catholics of Oriental Rites under Our jurisdiction, the pastor of the bride should inquire into the free status of the bride and notify the pastor of the groom as to the outcome of this investigation.

230.

§ 1. Whenever there is need of a declaration of freedom because of DEFECTIVE FORM in a previously attempted marriage *extra ecclesiam* on the part of a Catholic party, the case should be submitted to the Diocesan Tribunal by the proper pastor of that party.

§ 2. Whenever there is need of a declaration of freedom because of DEFECTIVE FORM in a previously attempted marriage *extra ecclesiam* on the part of a non-Catholic party, the case should be submitted to the Diocesan Tribunal by the pastor who has the right to assist at the marriage.

231.

§ 1. If a party whether Catholic or non-Catholic is in Military Service, the pastor must obtain a letter of freedom from the Catholic Chaplain, written on stationery of the Chaplain's Office, properly signed, and if possible forwarded directly by mail.

- 1° Where there is no Catholic Chaplain, a statement of the Commanding Officer on official stationery of his Office must be obtained, through the

mail, if possible, stating whether or not the person in question was ever married according to their files and knowledge.

§ 2. If a party whether Catholic or non-Catholic has served in the Armed Forces during or since World War II, he must present his "Enlisted Record and Report of Separation" in order to corroborate his freedom to marry (under the caption, "STATUS", it will be indicated whether he is single, married or divorced).

1° If such a person claims that he has lost or misplaced or sent that document elsewhere, his single status should be prudently doubted, and a date for the marriage must not be set until that document or a copy is produced.

2° If the document shows any indication of erasure or alteration, it should be brought to the Chancery.

232.

§ 1. Even if there is danger of an attempted marriage outside the Church, a pastor may not assist at a marriage unless he has obtained sufficient proof of the freedom of the parties to marry, and the parties have fulfilled the requirements of civil law.

§ 2. A pastor may not assist at the marriage of *vagi* unless he has first made a careful inquiry of their free status and then obtained Our permission through the Chancery.

233.

§ 1. In addition to the other regulations of the prenuptial investigation, the free status of a non-Catholic or a convert must be further corroborated by at least two reliable reports obtained separately from members of that person's family or some reliable Catholic friend.

1° If a witness lives outside the diocese, the pastor is to send the diocesan form to the Chancery of the diocese in which the witness lives, with the request that a priest be designated to secure the desired information.

2° If a witness lives within Our diocese, the pastor is free to interview him in the rectory or to secure the assistance of the pastor within whose parish limits the witness lives.

3° This investigation should be undertaken as soon as a non-Catholic or a convert comes to the priest to arrange for a marriage so that sufficient time will be allowed for unavoidable delays in the execution of the request.

§ 2. The above procedure is also to be followed whenever there is a prudent doubt about a Catholic's freedom to marry.

234.

§ 1. The banns of marriage are to be announced in church on three successive Sundays or Holy Days of Obligation by the proper pastors of both parties to the marriage.

§ 2. The banns are to be announced orally in church even though they are published in parish bulletins or on parish mimeographed sheets.

§ 3. Even though it is morally certain that no impediment will be discovered, this obligation must be fulfilled unless for a sufficient reason a dispensation from banns has been obtained.

§ 4. The faithful are to be reminded periodically of their obligation to report immediately any impediments to the pastor.

§ 5. Unless there is a reasonable cause, the marriage should not take place until at least three days after the final announcement of the banns.

§ 6. If the pastor in another parish announced the banns, he must at once inform the pastor who has the right to assist at the marriage of the outcome of this proclamation.

§ 7. Money may not be requested or accepted for announcing the banns, any custom to the contrary being hereby suppressed and reprobated. Henceforth, if money is exacted for announcing banns, the priest is held to restitution.

§ 8. Pastors may not dispense from even one announcement of banns.

§ 9. Banns must not be announced for Mixed Marriages.

235.

When both parties are Catholic, the priest must instruct them on at least three separate occasions concerning the nature and ends of marriage according to the diocesan schema.

1° This regulation must also be observed in the convalidation of a previously attempted marriage.

2° If any deviation from this rule is desired, the priest must seek Our permission through the Chancery, stating the reason for the request.

3° If either of the parties refuses to comply with this regulation, the case must be submitted to Us through the Chancery for further direction in the matter.

236.

§ 1. In preparation for Mixed Marriages, special instructions must be given on six distinct occasions by the priest in the presence of both parties, according to the diocesan schema.

1° These instructions are not to be given ordinarily more than twice or three times a week in order to allow the couple some time to reflect on and discuss the matter between themselves.

2° If any deviation from this rule is desired, the priest must seek Our permission through the Chancery, stating the reason for the request.

3° If either party refuses to comply with these regulations, the case must be submitted to Us through the Chancery for further direction in the matter.

4° This regulation must also be observed in the convalidation of previously attempted Mixed Marriages, unless truly extenuating circumstances

warrant an exception to this procedure; in such cases, the justifying reasons must be submitted to Us in writing, and Our decision awaited.

§ 2. The promises may be signed and the application for the dispensation submitted only after the required instructions have been given.

237.

The faithful are to be instructed that, whenever possible, arrangements for marriage should be made at least two months prior to the contemplated marriage, and that Mixed Marriages usually require a longer time.

238.

§ 1. The pastor has a grave obligation to obtain proof of the baptism of all Catholics about to be married.

§ 2. The certificate of Catholic baptism must be recent, and it must be issued not more than six months before the date of the proposed marriage.

§ 3. In case of a Mixed Marriage, a baptized non-Catholic must present, whenever possible, proof of his baptism.

239.

Catholics who have not yet received the sacrament of Confirmation should receive it before contracting marriage if they can do so without grave inconvenience.

240.

§ 1. Priests should strongly urge the faithful to receive the sacraments of Penance and the Holy Eucharist before marriage.

§ 2. Special care in this regard must be taken with respect to Catholics preparing for Mixed Marriages.

241.

§ 1. The pastor shall not make arrangements for the marriage of a minor, even a non-Catholic, without the consent of the parents (or guardians) obtained according to the diocesan

form. This is likewise the rule in the convalidation of an attempted marriage of a minor.

§ 2. The pastor must seriously dissuade a minor (a person not yet 21 years of age) who wishes to contract marriage without the knowledge of or against the reasonable objections of the parents; if the person rejects this advice, the pastor shall not assist at the marriage without having first consulted Us through the Chancery.

§ 3. If the parents (guardians) refuse to give consent either for reasonable or unreasonable objections, the matter shall be referred to Us through the Chancery.

242.

§ 1. Applications for dispensations from publication of banns and from matrimonial impediments must be made on the special forms provided for this purpose. These forms should be filled out accurately and legibly, and ought to be typewritten, if possible.

§ 2. The pastor must sign all applications for dispensations.

§ 3. The pastor must not assist at the marriage until he has received notification of the granting of the dispensation.

§ 4. If a dispensation is not used, it is to be returned promptly to the Chancery with an annotation of the reason for its non-use.

243.

The faithful should be deterred from contracting marriage with those who have notoriously renounced the Catholic Faith even though they have not joined a non-Catholic sect, or with those who are notoriously affiliated with societies condemned by the Church. The pastor shall not assist at such marriages without having previously consulted Us.

244.

§ 1. Whenever the pastor who has the right to assist at the marriage gives permission to a couple to marry elsewhere, it is still his duty to establish the free status of the parties by

(60)

making the preliminary investigation, to have the banns announced, to obtain all necessary dispensations, and to give the preparatory instructions.

§ 2. A pastor must not assist at a marriage of persons from another parish unless he has obtained permission to do so from the pastor who has the right to assist at the marriage; the latter must also forward the completed preliminary investigation with all necessary documents and dispensations.

§ 3. Whenever the pastor who has a right to assist at the marriage gives permission to the parties to be married elsewhere, he is not to exact any money for granting this permission.

245.

§ 1. Whenever any dispensation whatsoever is required for a marriage, the completed prenuptial investigation form and all other necessary documents for the marriage must be brought or sent to the Chancery Office for a *nihil obstat*.

1° Ordinarily this is to be done at least a week before the time scheduled for the celebration of the marriage; the only document lacking at this time may be the letter of free status which is issued after the last proclamation of the banns.

2° For this purpose the Chancery has set aside Monday from 2:00 P.M. to 4:00 P.M. and Thursday from 9:00 A.M. to 12:00 noon.

§ 2. Whenever the proper pastor grants permission for a marriage to take place outside the diocese, he is to present all the necessary documents together with the completed prenuptial investigation form to Our Chancery Office for the *nihil obstat*.

246.

§ 1. All marriages shall take place in church, and permission will not be given for a marriage in a hotel or a private home, except in the danger of death or in the case of serious illness.

§ 2. Marriages may not take place on Sunday or Holy Days of Obligation without Our explicit permission.

(61)

247.

§ 1. We wish marriages between Catholics to be contracted in conjunction with Holy Mass whenever it is permissible according to Our statutes, and that the solemn nuptial blessing be imparted at Mass in accordance with the rubrics and when permitted by law.

§ 2. Whenever a marriage between Catholics is contracted *extra missam*, by virtue of the quinquennial faculties, We shall, upon request, grant permission for the nuptial blessing to be given outside Mass, or for prayers to be said when the nuptial blessing is forbidden, according to the formulas in the Roman Ritual.

248.

During the marriage ceremony there is to be no music or singing in order that the congregation may hear the impressive ceremony and thus better appreciate the sanctity and meaning of Christian marriage.

249.

A marriage between Catholics may not be contracted in conjunction with Mass, *inconsulto Ordinario*, in the following cases:

- 1° Whenever either party to the marriage had previously attempted an invalid marriage which was never convalidated in the Church.
- 2° Whenever an attempted marriage is convalidated.

250.

§ 1. Priests should always keep in mind the strict injunction of the Church against marriages between Catholics and non-Catholics, and they should as far as possible deter the faithful from such marriages.

§ 2. If, despite this general prohibition, a priest should be requested to arrange a Mixed Marriage, he must receive both parties with kindness and courtesy.

(62)

251.

Pastors must be morally certain that the promises given by both parties to a Mixed Marriage will be fulfilled. If this certitude is altogether lacking, they must not apply for the dispensation. If a serious doubt exists, We should be consulted through the Chancery.

252.

§ 1. In virtue of Canon 1109, § 3, We hereby authorize the celebration of Mixed Marriages in the churches of this diocese.

§ 2. The pastor is enjoined to guard against any abuse of the following regulations which are to be strictly observed at all Mixed Marriages:

- 1° The marriage is to be contracted in the parish church of the Catholic party.
- 2° The Blessed Sacrament is to remain in the tabernacle.
- 3° Mixed Marriages must not be celebrated at a Mass nor in conjunction with a Mass which from the circumstances might be taken as an adjunct or complement to the ceremony.
- 4° The priest is to be vested in cassock, surplice and stole.
- 5° The marriage shall take place no later than 12:00 noon.
- 6° Only two candles are to be lighted on the altar.
- 7° The altar may be appropriately decorated, but with the exception of the bridal carpet no other adornments may be tolerated in the church.
- 8° The use of ushers before the ceremony is permitted.
- 9° The only music permitted is the processional wedding march before and after the ceremony; there shall be no other music nor singing before, during, or after the ceremony.

(63)

10° Neither the contracting parties nor their attendants shall be permitted to enter the sanctuary; the marriage must take place outside the altar rail.

11° Catholic practices, such as the sign of the cross and genuflections, are to be observed by all participants in the ceremony.

12° No photographs whatsoever are to be taken inside the church at any time—neither before, during, nor after the ceremony.

§ 3. The liturgical form is to be the same as that for marriages between two Catholics, and hence should include the following:

1° The ceremony is to start and end with the sign of the cross, saying: "In the name of the Father and of the Son and of the Holy Ghost, Amen."

2° The Instruction Before Marriage is to be read audibly.

3° The exchange of consent is followed by the blessing of the priest: *Ego conjungo vos in matrimonium. In nomine Patris, et Filii, et Spiritus Sancti, Amen.* Then the priest sprinkles the parties with holy water.

4° The ring is blessed and sprinkled, as in the ritual for the marriage of two Catholics; the prayer for the blessing of the ring being repeated in the vernacular.

5° Versicles, Responses, and Prayers as found in the Ritual.

6° Exhortation After Marriage.

§ 4. The nuptial blessing may not be given.

253.

§ 1. Catholics shall not act as witnesses, ushers or bridal attendants for marriages other than those contracted before a Catholic priest.

§ 2. In the celebration of all marriages in the Church, including mixed marriages, both witnesses should be Catholic. Our permission for an exception to this rule may be sought only in the case of a member of the immediate family of the bride or groom.

§ 3. If non-Catholics have obtained a civil divorce and are now married invalidly, they may not be permitted to act as ushers or bridesmaids.

§ 4. Non-Catholic ushers or bridesmaids are not allowed to enter the sanctuary.

§ 5. Invalidly married Catholics may not be allowed to act as witnesses, ushers, or bridesmaids.

254.

§ 1. It is strictly forbidden for the faithful to be present at marriages which are attempted by a Catholic or a fallen-away Catholic before a civil magistrate or a non-Catholic minister.

§ 2. It is forbidden for the faithful to show approval in any outward form whatsoever to a contemplated marriage by a Catholic which is to take place outside the Catholic Church (for example, by giving or attending a party in honor of that person, by giving a gift or contributing toward a bridal gift, by sending a congratulatory card, etc.).

255.

§ 1. Catholics who attempt marriage before a non-Catholic minister of any sect whatsoever incur ipso facto an excommunication reserved to the Ordinary.

§ 2. Catholics who attempt marriage before a civil official incur ipso facto an excommunication reserved to the Ordinary.

§ 3. By decree of the Third Plenary Council of Baltimore, validly married Catholics who, having obtained a civil divorce, attempt a new marriage while the valid bond exists incur ipso facto an excommunication reserved to the Ordinary.

256.

§ 1. An assistant has general delegation to assist at marriages within the boundaries of the parish to which he has been assigned. He can subdelegate a definite priest for a definite marriage.

§ 2. Whenever a priest not assigned to the parish has been delegated by the pastor or subdelegated by an assistant to assist at a particular marriage within the parish, an annotation on the marriage record in the Marriage Register must be made to the effect: *delegatione explicita parochi prius obtenta* or *sub-delegatione explicita vicarii cooperatorii prius obtenta*, and a similar annotation must be made under "Remarks" on the prenuptial investigation form.

1° Even though this delegation by a pastor or sub-delegation by an assistant is granted validly when given orally, it is Our wish that it be given in writing.

2° It is the pastor's duty to make sure that a priest who assists at a marriage in the parish has the necessary civil license to act as a minister in the State of Rhode Island.

257.

Upon the couple's request, the priest who assists at a marriage must fill out a marriage certificate, affixing the parish seal thereunto, and give this certificate to them.

258.

§ 1. No pastor may refuse gratuitous service to those who are unable to make an offering.

§ 2. Moreover, no fee may be exacted for the convalidation of a marriage.

259.

§ 1. Every marriage must be recorded exactly and as soon as possible, preferably on the same day, in the marriage register of the parish in which the marriage was performed, and the proper notation made in the baptismal register.

(66)

§ 2. If one or both of the spouses have been baptized elsewhere, the pastor must send as soon as possible a notice of the marriage, using the prescribed form, to the pastor of the parish of baptism.

§ 3. It is also the pastor's duty to return the signed civil license to the Office of the Registrar within forty-eight hours.

260.

When a request is forwarded to a pastor or a priest by Our Chancery or by Our Tribunal to obtain information in a marriage case, We order that this important charge be performed faithfully and as soon as possible.

261.

§ 1. Whenever a person seeks information concerning the dissolution or the annulment of a marriage, a priest should never attempt to prejudge the case by expressing an opinion or by giving the person assurance of a favorable decision, nor should he discuss the various merits and possibilities of the case.

§ 2. The laity are not to be sent to the Office of the Tribunal unless the priest has made an appointment for them with the Tribunal for appearance at a specified time; they should then appear with a testimonial letter from the priest.

262.

§ 1. Under pain of mortal sin Catholics may not approach the Civil Courts to obtain a civil separation, divorce or annulment, unless Our explicit permission has been given to them to do so.

1° It is not within the power of a pastor or any other priest to give such a permission.

2° It is the duty of the pastor to do all that he possibly can to effect an understanding between married persons as soon as he is aware of serious difficulties between them, and to effect a reconciliation if perchance they have separated on their own authority.

(67)

3° When permission is sought to apply for a separation in accordance with Canons 1128-1131, the request shall be submitted to Us through the pastor of the petitioner with an accurate summary of the whole case and the reasons justifying a consideration of the petition.

§ 2. Under pain of mortal sin a Catholic lawyer may not approach the Civil Courts as attorney for a plaintiff seeking a separation, divorce or annulment of a marriage which had been contracted before a Catholic priest unless the plaintiff or the lawyer has first obtained Our permission to institute proceedings.

§ 3. A Catholic lawyer can represent the respondent in cases of civil separation, divorce or annulment of a marriage which had been contracted before a Catholic priest only on condition that both lawyer and respondent will do their utmost under law to protect the bond of marriage and sincerely contest the action of separation, divorce or annulment which was initiated without Our permission.

II. SACRED PLACES AND TIMES

A. SACRED PLACES

PART 1. CHURCHES AND ALTARS.

263.

Divine Offices may not be celebrated in a new church until it has been blessed or consecrated by Us or Our delegate.

264.

§ 1. The Titular Feast of the parish is to be celebrated by the clergy of the parish as a double of the First Class with a common octave.

§ 2. The solemnity of the Feast may be transferred, rubrics permitting, to the Sunday within the Octave.

265.

§ 1. Pastors shall be most zealous in maintaining absolute cleanliness and order in the Church and Sacristy. Special care must be given to the altar and the sacred linens.

§ 2. Vestments, sacred vessels, candlesticks, etc., should be of as fine quality as the financial condition of the parish will allow, and in every case must be immaculate and in good repair.

§ 3. The entire church including the pews shall be cleaned at least once a week.

266.

The pastor should take care that there is always an abundant supply of fresh holy water at all the entrances of the church. The holy water should be renewed weekly and the old holy water poured into the sacrarium.

267.

Every church in which the Blessed Sacrament is reserved should be kept open throughout the day and evening to encourage Eucharistic Devotion among the faithful.

268.

§ 1. In the sacristy of every church there will be a prie-dieu with a book or card of prayers where the priest may make a fitting preparation before and thanksgiving after Mass.

§ 2. On the vestment case in the sacristy there must be a card with the prayers for vesting, another card listing the title of the church or chapel, the name of the Bishop and the *Oratio Imperata*, and an Ordo.

269.

§ 1. Churches should be adequately lighted. Especially in the early morning and evening, pastors should not hesitate to illuminate at least a certain portion of the nave for the convenience of the faithful who wish to use devotional books.

§ 2. Special care must be taken that all steps both inside and outside the church are properly lighted at all times.

EXCERPTS PERTAINING TO MARRIAGE FROM RHODE ISLAND CIVIL LAW

TITLE XXXVI — CHAPTER 415

MARRIAGE

§ 6. No minister or elder of any religious denomination shall join any person in marriage in this state until he shall have obtained a clergyman's license as hereinafter provided . . . Any such license, now or hereafter issued by any town or city clerk, shall be valid until such time as the holder thereof shall become domiciled outside this state, provided that any such licensed clergyman removing from one town to any other town in the state shall notify the registrar of the town to which he shall remove, and furnish the facts heretofore mentioned, and in addition thereto the name of the town in which he was licensed . . .

§ 8. Every such minister or elder so licensed, every justice of the supreme or superior court, every justice, every associate justice, the clerk of the supreme court and every clerk of a superior court and of a district court, may join persons in marriage in any town in this state.

§ 10. *Clause 1.* Persons intending to be joined together in marriage in this state must first obtain a license from the clerk of the town or city in which they reside, or, if residents of different towns of the state, from the town or city clerk of the town in which they respectively reside, or if not residents of this state, from the clerk of the town or city in which the marriage is to be solemnized; PROVIDED, that if the woman is not a resident of this state she must fill and sign such license not later than 5 days previous to the marriage but the town or city clerk shall keep the license in his possession until the sixth day after said license has been filled and signed. Before any license shall be issued to any person who, having been previously married, has been divorced, such person shall present to the town or city clerk an authenticated copy of the decree granting such divorce.

Clause 2. Except as otherwise provided in clause 9 no license shall be issued by such town or city clerk until there shall

be in the possession of such town or city clerk a statement or statements, upon a form provided by the department of public health, signed by a licensed physician that each applicant has submitted to a physical examination and a Wasserman or Kahn or other similar standard laboratory blood test and that, in the opinion of such physician, the person is not infected with tuberculosis in the infectious stages, nor with syphilis or gonorrhea in any stages of these diseases in which they may become communicable, and such statements shall be accompanied by a record of the standard blood tests, which record shall contain the exact name and address of such applicant. A standard laboratory blood test shall be a laboratory test for syphilis approved by the department of public health and shall be performed by said department, on request of a licensed physician and upon payment of a reasonable charge therefor, or at a laboratory approved by it, such test to be made not more than 40 days before the issuance of the marriage license.

Clause 4. If a marriage of residents of Rhode Island be contracted outside of this state, and, within 6 months of the solemnization of such marriage, both parties return to Rhode Island for residence as husband and wife, said parties shall be required to conform to the provisions of clause 2 of this section. Physical and laboratory examinations of both parties and a statement signed by a licensed physician and filed with the department of public health, certifying to the freedom of both parties from infectious tuberculosis and from infectious syphilis and gonorrhea shall be required. Wilful violation of the provisions of this clause shall be punished by a fine of not more than \$250.00 or imprisonment for 6 months.

Clause 7. Such license shall be valid for 3 months after the date of issue and if unused at the expiration of said 3 months the party or parties having possession of said license shall immediately return it to the town or city clerk from whom it was obtained.

Clause 9. No license shall be issued by such town or city clerk except as aforesaid unless a justice of the supreme, superior, or district courts after hearing in chambers such evidence as may be presented, shall render a decision in writing that, in its opinion, public policy or the physical condition of either one of

the parties requires the intended marriage to be celebrated without delay. Said court shall have power to summon at such hearing such persons as it may deem advisable.

§ 11. No minor or person under the control of a parent or guardian shall be allowed to give and subscribe to the information provided for in § 10 of this chapter or shall receive the license provided for therein, unless the consent in writing of the parent or guardian, given in the presence of the town or city clerk or any clerk employed in that office shall have been first obtained; PROVIDED, HOWEVER, that proof shall be submitted that such minor, if a female, has attained the age of 16 years and, if a male, has attained the age 18 years; and PROVIDED, FURTHER, that such information may be given and subscribed to and such license may be issued to any person 18 years of age residing in the state who has no parent or guardian in this state competent to act or any person over 18 years of age who is not a resident of this state who has no parent or guardian in the United States competent to act, and the town or city clerk or any clerk employed in that office in such cases shall have the power to administer an oath relative thereto; and PROVIDED, FURTHER, that such information may be given and subscribed to by a minor, if a female, who has attained the age of 16 years, and who, if a male, has attained the age of 18 years, residing in this state upon the consent in writing to the director of public welfare of the town or city in which such minor resides given in the presence of the town or city clerk or any clerk employed in that office; and PROVIDED, FURTHER, that in addition to the foregoing requirements, no license shall be issued to any minor, if a female under the age of 16 years, and if a male under the age of 18 years, unless and until the following requirements have been complied with, and the town or city clerk is directed in writing to issue such license by the Juvenile Court. Said court or city clerk, upon receiving information provided for in § 10 of this chapter, shall forthwith transmit a certified copy thereof to said Juvenile Court. Said court shall forthwith transmit a copy thereof, together with a written request for a complete investigation of and a report upon the advisability of the issuance of such license, to the state department of public welfare. Said department shall within 15 days after the receipt thereof file in

said court its complete report in writing. Said court shall then conduct a hearing in chambers to determine the advisability of the issuance of said license and shall notify such town or city clerk of its determination. Said court shall have the power to summon at such hearing such persons as it may deem advisable. Said court shall also file such report and a notation of its determination in the office of the clerk of said court, but any papers so filed at the office of the clerk shall not be matters of public record and may be examined only upon the written authorization of said court. During the pendency of such proceedings, the said court shall exercise the authority of a guardian in respect to the minor or minors involved. (N.B. A male or female under 21 years of age is a minor in the State of Rhode Island.)

§ 12. No minister, elder, justice, warden or other person shall join any person in marriage until each of such persons has presented to him the license named in § 10 of this chapter, and signed the certificate appended thereto.

§ 13. Every person who shall join any person in marriage shall, within 48 hours following the date of such marriage, return said license, so endorsed by him, to the town or city clerk of the town or city in which such marriage was solemnized, and shall receive for such return a fee of 25 cents to be paid by said town or city, PROVIDED, said return is made within the time limited by, and in accordance with, the provisions of this chapter.

§ 17. The solemnization of marriage shall be in the presence of at least 2 witnesses beside the minister, elder, justice or warden officiating.

§ 18. If any person shall have any lawful objection to the marriage of any 2 persons he may state the same in writing, under his hand, to the minister,, elder, justice or warden about to solemnize the same, whereupon such minister, elder, justice or warden shall proceed no further in such marriage until such lawful objection be removed.

§ 19. Every minister, elder, justice, warden or other person who shall join persons in marriage, without first receiving the license required by this chapter, containing the information

therein required, or whenever the solemnization of such marriage has been lawfully objected to and the impediment is not removed, shall be imprisoned not exceeding 6 months, or be fined not exceeding \$1,000.00.

§ 21. Every person authorized by law to join persons in marriage, who shall join in marriage any woman or man whom he knows to have a husband or wife living, shall be imprisoned not exceeding 6 months or fined not exceeding \$1,000.00.