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APPROVED
OCT 24 1974

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

OCT 17 1974

*Posted
10/25
Jo Archine
10/25*

MEMORANDUM FOR THE PRESIDENT

**Subject: Enrolled Bill S. 2348 - An Act to amend the Canal
Zone Code
Sponsor - Sen. McClellan (D) Arkansas**

Last Day for Action

Purpose

Amends the Canal Zone Code to transfer the functions of the Clerk of the United States District Court for the District of the Canal Zone with respect to the issuance and recording of marriage licenses and related activities to the Civil Affairs Director of the Canal Zone Government.

Agency Recommendations

Office of Management and Budget	Approval
Administrative Office of the United States Courts	Approval
Canal Zone Government	Approval
Department of Defense	Approval
Department of State	No objection
Department of Justice	Defers to Canal Zone Government

Discussion

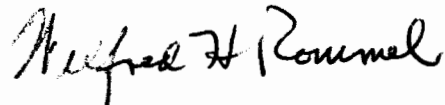
The enrolled bill would transfer the functions associated with marriage license administration from the Clerk of the United States District Court for the District of the Canal Zone where it is now performed to the civil affairs director of the Canal Zone Government.



Specifically, the enrolled bill would:

- authorize the Chief Executive of the Canal Zone Government, the Governor, to issue marriage licenses and to delegate marriage licence administration to the Director of the Civil Affairs Bureau who is appointed by the Governor and is an employee of the United States; and
- eliminate the present requirement that an application for a marriage license state the race and color of the persons to be married.

The net effect of the enrolled bill would be to transfer the administrative burden from the district court, whose direct judicial responsibilities have increased enormously in recent years, to the Civil Affairs Bureau which is also a Federal entity.



Assistant Director for
Legislative Reference

Enclosures

THE WHITE HOUSE

ACTION

WASHINGTON

Last Day - October 29

October 23, 1974

MEMORANDUM FOR:

THE PRESIDENT

FROM:

KEN COLE

SUBJECT:

Enrolled Bill S. 2348
An Act to Amend the
Canal Zone Code

Attached for your consideration is Senate bill, S. 2348, sponsored by Senator McClellan, which amends the Canal Zone Code to transfer the functions associated with marriage license administration and other related activities from the Clerk of the United States District Court for the District of the Canal Zone where it is now performed to the Civil Affairs Director of the Canal Zone Government.

Roy Ash recommends approval and provides you with additional background information in his enrolled bill report (Tab A).

We have checked with the Counsel's office (Chapman) and Bill Timmons who both recommend approval.

RECOMMENDATION

That you sign Senate bill, S. 2348 (Tab B).



ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

SUPREME COURT BUILDING
WASHINGTON, D.C. 20544

ROWLAND F. KIRKS
DIRECTOR

WILLIAM E. FOLEY
DEPUTY DIRECTOR

October 15, 1974

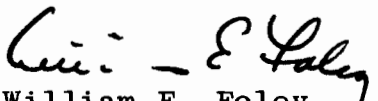
W. H. Rommel
Assistant Director for
Legislative Reference
Office of Management and Budget
Washington, D. C.

Dear Mr. Rommel:

This will acknowledge receipt of your enrolled bill request for views and recommendations on S. 2348, an act "To amend the Canal Zone Code to transfer the functions of the Clerk of the United States District Court for the District of the Canal Zone with respect to the issuance and recording of marriage licenses, and related activities, to the civil affairs director of the Canal Zone Government, and for other purposes."

Inasmuch as the proposed legislation substantially incorporates the recommendations of the Judicial Conference of the United States, Executive approval is recommended.

Sincerely,


William E. Foley
Deputy Director

PANAMA CANAL COMPANY
312 PENNSYLVANIA BUILDING
WASHINGTON, D.C. 20004

**OFFICE OF
THE SECRETARY**

October 16, 1974

Mr. W. H. Rommel
Assistant Director for
Legislative Reference
Office of Management and Budget

Dear Mr. Rommel:

This is in response to your request for the views of the Panama Canal Company and Canal Zone Government on enrolled bill S. 2348, a bill "To amend the Canal Zone Code to transfer the functions of the Clerk of the United States District Court for the District of the Canal Zone with respect to the issuance and recording of marriage licenses, and related activities, to the civil affairs director of the Canal Zone Government, and for other purposes."

The Panama Canal Company and Canal Zone Government recommend approval of S. 2348.

The purpose of the bill is as stated in the title.

The legislation was originally requested by the U.S. District Court for the reason that the Clerk's office lacks space and personnel and finds this activity burdensome in view of the increasing workload in judicial matters.

The transfer of the functions from the Court is consistent with practice in the U.S. where Federal Courts do not perform such functions. The functions that would be transferred to the Canal Zone Government can be handled by this agency in the office that now issues licenses for motor vehicles, operators of vehicles, etc., and increased administrative costs to the agency are expected to be modest.

In addition to providing for the transfer of these functions to the Canal Zone Government, section 2 of the bill would amend section 4(b) of Title 8, Canal Zone Code, to delete the reference on the marriage license application to color and race and to add the requirement that the applicant state his legal residence and date of birth. Deletion of reference to color and race is to conform marriage license applications in the Canal Zone to current practice in the United States where such information is generally no longer required to be furnished. The requirement to state legal residence will facilitate the application of section 4 of Title 8, Canal Zone Code, which defines residency requirements for issuance of marriage licenses. The requirement to state date of birth (in addition to age) will facilitate application of the Code provision relating to age of applicants.

Section 9 of S. 2348 makes a minor technical amendment for language clarification.

Sincerely yours,

A handwritten signature in black ink, reading "Thomas M. Constant". The signature is written in a cursive style with a prominent initial "T" and a long, sweeping underline.

Thomas M. Constant
Secretary, Panama Canal Company
Assistant to the Governor



DEPARTMENT OF THE ARMY
WASHINGTON, D.C. 20310

15 OCT 1974

Honorable Roy L. Ash
Director, Office of Management
and Budget
Executive Office Building
Washington, D.C. 20503

Dear Mr. Ash:

The Secretary of Defense has delegated responsibility to the Department of the Army for reporting the views of the Department of Defense on enrolled enactment S: 2348, 93d Congress, "To amend the Canal Zone Code to transfer the functions of the Clerk of the United States District Court for the District of the Canal Zone with respect to the issuance and recording of marriage licenses, and related activities, to the civil affairs director of the Canal Zone Government, and for other purposes."

The Department of the Army on behalf of the Department of Defense recommends approval of the enrolled enactment.

This act provides for the purpose stated in its title.

The enactment of this measure is recommended because the transfer of this function will make it more convenient for Canal Zone residents to obtain marriage licenses and receive related services.

Approval of the enactment will have no fiscal effect upon the Department of Defense.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

Sincerely,

A handwritten signature in cursive script that reads "Howard H. Callaway".

Howard H. Callaway
Secretary of the Army



DEPARTMENT OF STATE

Washington, D.C. 20520

OCT 15 1974

Honorable Roy L. Ash
Director, Office of
Management and Budget
Washington, DC 20503

Dear Mr. Ash:

Thank you for your communication of October 11 requesting the Department of State's views on Enrolled Bill S.2348, "To amend the Canal Zone Code to transfer the functions of the Clerk of the United States District Court for the District of the Canal Zone with respect to the issuance and recording of marriage licenses, and related activities, to the civil affairs director of the Canal Zone Government, and for other purposes."

Since the enrolled bill will have no foreign policy impact, the Department of State does not object to passage of this legislation.

Cordially,

A handwritten signature in black ink, appearing to read "Linwood Holton".

Linwood Holton
Assistant Secretary
for Congressional Relations

Department of Justice
Washington, D.C. 20530

OCT 17 1974

Honorable Roy L. Ash
Director, Office of Management
and Budget
Washington, D.C. 20503

Dear Mr. Ash:

In compliance with your request, I have examined a facsimile of the enrolled bill S. 2348, "To amend the Canal Zone Code to transfer the functions of the clerk of the United States District Court for the District of the Canal Zone with respect to the issuance and recording of marriage licenses, and related activities, to the civil affairs director of the Canal Zone Government, and for other purposes."

Whether this legislation should be enacted involves policy considerations as to which the Department of Justice makes no recommendations and defers to the Canal Zone Government.

Sincerely,



W. Vincent Rakestraw
Assistant Attorney General

Last Day - October 29

October 23, 1974

MEMORANDUM FOR: THE PRESIDENT
FROM: KEN COLE
SUBJECT: Enrolled Bill S. 2348
An Act to Amend the
Canal Zone Code

Attached for your consideration is Senate bill, S. 2348, sponsored by Senator McClellan, which amends the Canal Zone Code to transfer the functions associated with marriage license administration and other related activities from the Clerk of the United States District Court for the District of the Canal Zone where it is now performed to the Civil Affairs Director of the Canal Zone Government.

Roy Ash recommends approval and provides you with additional background information in his enrolled bill report (Tab A).

We have checked with the Counsel's office (Chapman) and Bill Timmons who both recommend approval.

RECOMMENDATION

That you sign Senate bill, S. 2348 (Tab B).



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

OCT 17 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 2348 - An Act to amend the Canal
Zone Code
Sponsor - Sen. McClellan (D) Arkansas

Last Day for Action

Purpose

Amends the Canal Zone Code to transfer the functions of the Clerk of the United States District Court for the District of the Canal Zone with respect to the issuance and recording of marriage licenses and related activities to the Civil Affairs Director of the Canal Zone Government.

Agency Recommendations

Office of Management and Budget	Approval
Administrative Office of the United States Courts	Approval
Canal Zone Government	Approval
Department of Defense	Approval
Department of State	No objection
Department of Justice	Defers to Canal Zone Government

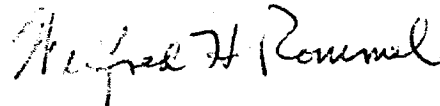
Discussion

The enrolled bill would transfer the functions associated with marriage license administration from the Clerk of the United States District Court for the District of the Canal Zone where it is now performed to the civil affairs director of the Canal Zone Government.

Specifically, the enrolled bill would:

- authorize the Chief Executive of the Canal Zone Government, the Governor, to issue marriage licenses and to delegate marriage licence administration to the Director of the Civil Affairs Bureau who is appointed by the Governor and is an employee of the United States; and
- eliminate the present requirement that an application for a marriage license state the race and color of the persons to be married.

The net effect of the enrolled bill would be to transfer the administrative burden from the district court, whose direct judicial responsibilities have increased enormously in recent years, to the Civil Affairs Bureau which is also a Federal entity.



Assistant Director for
Legislative Reference

Enclosures

THE WHITE HOUSE
WASHINGTON

10/18/74

TO: WARREN HENDRIKS



Robert D. Linder

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 676

Date: October 18, 1974

Time: 12:00 Noon

FOR ACTION: Geoff Shepard
 Phil Buchen
 Bill Timmons

cc (for information) Warren K. Hendriks
Jerry Jones
Paul Theis

FROM THE STAFF SECRETARY

DUE: Date: Tuesday, October 22, 1974 Time: 2:00 p.m.

SUBJECT: Enrolled Bill S. 2348 - An Act to amend the Canal Zone Code

ACTION REQUESTED:

- | | |
|---|--|
| <input type="checkbox"/> For Necessary Action | <input checked="" type="checkbox"/> For Your Recommendations |
| <input type="checkbox"/> Prepare Agenda and Brief | <input type="checkbox"/> Draft Reply |
| <input type="checkbox"/> For Your Comments | <input type="checkbox"/> Draft Remarks |

REMARKS:

Please return to Kathy Tindle - West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 676

Date: October 18, 1974

Time: 12:00 Noon

FOR ACTION: Geoff Shepard
✓ Phil Buchen
Bill Timmons

cc (for information) Warren K. Hendriks
Jerry Jones
Paul Theis

FROM THE STAFF SECRETARY

DUE: Date: Tuesday, October 22, 1974 Time: 2:00 p.m.

SUBJECT: Enrolled Bill S. 2348 - An Act to amend the Canal Zone Code

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

Please return to Kathy Tindle - West Wing

*No objection
D.C.*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 676

Date: October 18, 1974

Time: 12:00 Noon

FOR ACTION: ✓ Geoff Shepard
Phil Buchen
Bill Timmons

cc (for information) Warren K. Hendriks
Jerry Jones
Paul Theis

FROM THE STAFF SECRETARY

DUE: Date: Tuesday, October 22, 1974 Time: 2:00 p.m.

SUBJECT: Enrolled Bill S. 2348 - An Act to amend the Canal Zone Code

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

Please return to Kathy Tindle - West Wing

*no objection
yes 10/21*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks
For the President

THE WHITE HOUSE

WASHINGTON

October 21, 1974

MEMORANDUM FOR: MR. WARREN HENDRIKS

FROM: WILLIAM E. TIMMONS *WT*

SUBJECT: Action Memorandum - Log No. 676
Enrolled Bill S. 2348 - An Act to
amend the Canal Zone Code

The Office of Legislative Affairs concurs in the attached proposal and has no additional recommendations.

Attachment

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 676

Date: October 18, 1974

Time: 12:00 Noon

FOR ACTION: Geoff Shepard
Phil Buchen
Bill Timmonscc (for information) Warren K. Hendriks
Jerry Jones
Paul Theis

FROM THE STAFF SECRETARY

DUE: Date: Tuesday, October 22, 1974 Time: 2:00 p.m.

SUBJECT: Enrolled Bill S. 2348 - An Act to amend the
Canal Zone Code

ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS:

Please return to Kathy Tindle - West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks
For the President

TRANSFERRING THE FUNCTIONS OF THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF THE CANAL ZONE WITH RESPECT TO THE ISSUANCE AND RECORDING OF MARRIAGE LICENSES AND RELATED ACTIVITIES TO THE CIVIL AFFAIRS DIRECTOR OF THE CANAL ZONE GOVERNMENT

MARCH 27, 1974.—Ordered to be printed

Mr. McCLELLAN, from the Committee on the Judiciary,
submitted the following

REPORT

[To accompany S. 2348]

The Committee on the Judiciary, to which was referred the bill (S. 2348), to transfer the functions of the Clerk of the United States District Court for the District of the Canal Zone with respect to the issuance and recording of marriage licenses, and related activities, to the civil affairs director of the Canal Zone Government, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

PURPOSE

The purpose of the bill is to transfer the functions of the Clerk of the United States District Court of the District of the Canal Zone with respect to the issuance and recording of marriage licenses, and related activities, to the civil affairs director of the Canal Zone Government.

AMENDMENT

The bill has been amended as recommended by the Administrative Office of the United States Courts and by the Department of the Army by adding four sections as follows:

SEC. 8. Item (4) of section 344 of title 3, Canal Zone Code (76A Stat. 62), is repealed.

SEC. 9. The analysis of Chapter 1 of title 8, Canal Zone Code (76A Stat. 671), is amended by striking out in the item relat-

ing to section 5 "marriages;" and inserting in lieu thereof "marriage;"

SEC. 10. All records of marriages in the custody of the clerk of the United States District Court for the District of the Canal Zone shall be transferred to the civil affairs director of the Canal Zone Government within 90 days after the date of enactment of this Act.

SEC. 11. The amendments and repeals made by this Act shall become effective upon the expiration of ninety days after the date of enactment, except that section 10 shall become effective on the date of enactment.

PURPOSE OF THE AMENDMENT

The amendment is technical in nature as explained in the letters of the Administrative Office of the United States Courts and of the Department of the Army, attached.

STATEMENT

The bill as amended has been approved by the Department of Justice, the Administrative Office of the United States Courts, and the Department of the Army.

The effect of the bill is to transfer to the office of the civil affairs director of the Canal Zone Government the functions of the granting, certifying, signing, and recording marriage licenses and of licensing those individuals who are authorized to perform and certify marriages.

The civil affairs director, to whose jurisdiction the issuance and recording of marriage licenses would be transferred by the bill is an employee of the United States who is appointed by the Governor. The transfer of the function from one federal office to another would thus not change the nationality of the marriage performed pursuant to a license issued under the act.

The Committee believes that the bill as amended is meritorious and recommends it favorably.

Attached and made a part of this report are (1) a letter from the Department of the Army dated December 26, 1973, (2) a letter from the Department of Justice dated January 30, 1974, (3) a letter from the Honorable John L. McClellan dated February 28, 1974, (4) a letter from the Administrative Office of the United States Courts dated March 20, 1974, and (5) a second letter from the Administrative Office of the United States Courts dated March 20, 1974.

DEPARTMENT OF THE ARMY,
Washington, D.C., December 26, 1973.

HON. JAMES O. EASTLAND,
Chairman, Senate Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to your request for views on S. 2348, 93d Congress, a bill "To amend the Canal Zone Code to transfer the functions of the Clerk of the United States District Court for the District of the Canal Zone with respect to the issuance and

recording of marriage licenses, and related activities, to the civil affairs director of the Canal Zone Government, and for other purposes.”

The title of the bill states its purpose.

The bill was referred to the Governor of the Canal Zone for consideration and he advises that the proposal is unobjectionable. The functions that would be transferred from the Clerk's office (which is under the Administrative Office of United States Courts) to the Canal Zone Government can be handled by that agency and the resulting increase in its administrative costs are expected to be modest.

In my capacity, under 35 CFR 3.2(a), as the designee of the President, to supervise the administration of the Canal Zone Government, I strongly recommend the bill be favorably considered.

It is recommended that the bill be amended to add a new section 8 at the end of S. 2348, reading as follows:

“SEC. 8. Section analysis of Chapter I, Title 8, C.Z.C. (76A Stat. 671) is amended by striking out—

‘5. Who may celebrate marriages; license to celebrate: and inserting in lieu thereof—

‘5. Who may celebrate marriage; license to celebrate.’”

The Office of Management and Budget advises that from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the Committee.

Sincerely,

HERMAN R. STAUDT,
Acting Secretary of the Army.

DEPARTMENT OF JUSTICE,
ASSISTANT ATTORNEY GENERAL,
LEGISLATIVE AFFAIRS,
Washington, D.C., January 30, 1974.

HON. JAMES O. EASTLAND,
*Chairman, Senate Judiciary Committee, U.S. Senate,
Washington, D.C.*

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice on S. 2348, a bill “To amend the Canal Zone Code to transfer the functions of the Clerk of the United States District Court for the District of the Canal Zone with respect to the issuance and recording of marriage licenses, and related activities, to the civil affairs director of the Canal Zone Government, and for other purposes.”

This bill would amend sections 4, 5, 6, 8, 11, 34 and 36 of Title 8 of the Canal Zone Code by deleting references to the clerk of the United States District Court for the District of the Canal Zone and substituting therefor the “civil affairs director, or his designee.” The effect of the bill is to transfer to the office of the civil affairs director the functions of granting, certifying, signing, and recording marriage licenses and of licensing those individuals who by 8 C.Z.C. § 5 are authorized to perform and certify marriages. Sections 4(f) and 5(b) of Title 8 of the Canal Zone Code are further amended to eliminate all reference to the disposition of fees by the clerk of the District Court. Presumably, such fees would be disposed of pursuant to 3 C.Z.C.

§ 341(b) which requires that fees be paid over to the Canal Zone Government. The amendment to 8 C.Z.C. § 11(a) eliminates references to the clerk and substitutes therefor "or an officer or employee" to include within the penalty section the director of the office of civil affairs or his designee.

The only additional substantive change is in 8 C.Z.C. § 4(b) which, as amended, would require that the marriage license state the legal residence and date of birth of the persons to be married but eliminates the requirement that the application state the color and race of each.

The references in Title 8 of the Canal Zone Code to the director of civil affairs of the Canal Zone Government, or his designee, raise a question regarding the transfer of authority by statute to an office not created by statute.¹ The duties and functions of the director of the office of civil affairs are predicated on Canal Zone Administration and Regulations (CZAR) §§ 27.1 and 27.2 (1966). This office may be abolished by administrative action, leaving no officer who can perform the statutory duties imposed upon that office by this bill. This difficulty could be overcome by delegating these functions to the Governor who under 3 C.Z.C. §§ 31 and 33 is generally charged with the performance of various duties connected with the civil government. The Governor thereafter could redelegate these functions to the director of the office of civil affairs by regulation (35 C.F.R. Subchapter A).²

Subject to the above comment regarding the administrative rather than statutory origin of the office of the director of civil affairs, whether this legislation should be enacted involves policy considerations as to which the Department of Justice makes no recommendation, deferring to the Canal Zone Government.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

MALCOLM D. HAWK,
Acting Assistant Attorney General.

U.S. SENATE,
Washington, D.C., February 28, 1974.

HON. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR JIM: S. 2348, which I introduced last year, has been endorsed by the Department of the Army. They have suggested a minor amendment, which I think is appropriate.

The Administrative Office of the U.S. Courts has proposed an amendment to S. 2348, a copy of which is attached. This amendment is, I think, also needed.

¹ The office of the clerk of the court is created by statute, 3 C.Z.C. § 7.

² The Governor of the Canal Zone is authorized to issue rules and regulations necessary for the performance of the duties delegated to him under 2 C.Z.C. §§ 31, 33, ultimately by 3 U.S.C. §§ 301-303. The Canal Zone Government is supervised by the President. In an early opinion of the Attorney General, 26 Op. Atty. Gen. 113 (1907), it was stated that the President may directly, or through persons appointed and employed by him to govern the Canal Zone, adopt rules and regulations needed for the government of that zone.

With these two changes, I would hope the bill could be placed on the agenda for the next meeting of the Judiciary Committee. I do not anticipate any opposition from other Senators, and the bill has been approved by the Governor of the Canal Zone, the Department of the Army, and the Office of Management and Budget.

With best personal regards, I am

Sincerely yours,

JOHN L. McCLELLAN.

ADMINISTRATIVE OFFICE OF THE U.S. COURTS,
Washington, D.C., March 20, 1974.

HON. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reference to your letter of September 4, 1973, transmitting for study and report S. 2348, a bill "To amend the Canal Zone Code to transfer the functions of the Clerk of the United States District Court for the District of the Canal Zone with respect to the issuance and recording of marriage licenses, and related activities, to the civil affairs director of the Canal Zone Government, and for other purposes."

The Judicial Conference of the United States, at its March 7-8, 1974 session, considered the provisions of S. 2348 and voted its approval thereof. The Conference further recommends that S. 2348 be amended to provide for the transfer of records of marriages previously accumulated in the clerk's office to the civil affairs director of the Canal Zone Government.

Sincerely,

WILLIAM E. FOLEY,
Deputy Director.

ADMINISTRATIVE OFFICE OF THE U.S. COURTS,
Washington, D.C., March 20, 1974.

MR. FRANCIS C. ROSENBERGER,
Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR MR. ROSENBERGER: In response to your inquiry concerning S. 2348, I am advised that the civil affairs director to whose jurisdiction the issuance and recording of marriage licenses would be transferred by S. 2348 is an employee of the United States who is appointed by the Governor pursuant to section 101 of title II of the Canal Zone Code. The transfer of the function from one federal officer to another would thus not seem to change the nationality of the marriage performed pursuant to a license issued under S. 2348.

Sincerely,

WILLIAM E. FOLEY,
Deputy Director.

○

TRANSFER OF MARRIAGE LICENSE FUNCTIONS IN THE CANAL ZONE

SEPTEMBER 11, 1974.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mrs. SULLIVAN, from the Committee on Merchant Marine and
Fisheries, submitted the following

REPORT

[To accompany S. 2348]

The Committee on Merchant Marine and Fisheries, to whom was referred the bill (S. 2348) to amend the Canal Zone Code to transfer the functions of the Clerk of the United States District Court for the District of the Canal Zone with respect to the issuance and recording of marriage licenses, and related activities, to the civil affairs director of the Canal Zone Government, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 2, lines 2 and 3, strike out "office of the Civil affairs director of the Canal Zone Government." and insert "Governor, or his designee."

Page 2, line 23, strike out "civil affairs director," and insert "Governor,".

Page 3, lines 4 and 5, strike out "civil affairs director," and insert "Governor,".

Page 3, lines 6 and 7, strike out "civil affairs director," and insert "Governor,".

Page 3, line 10, strike out "civil affairs director," and insert "Governor,".

Page 3, line 24, strike out "civil affairs director," and insert "Governor,".

Page 4, line 9, strike out "marriage;" and insert "a marriage;".

Page 4, lines 18 and 19, strike out "civil affairs director of the Canal Zone Government," and insert "Governor,".

Page 4, line 22, strike out "civil affairs director," and insert "Governor,".

Page 5, line 2, strike out "civil affairs director," and insert "Governor,".

Page 5, lines 22 and 23, strike out "civil affairs director of the Canal Zone Government." and insert "Governor, or his designee."

Page 5, line 25, strike out "civil affairs director," and insert "Governor,".

Page 6, lines 10 and 11, strike out "civil affairs director of the Canal Zone Government." and insert "Governor, or his designee."

Page 6, line 25, strike out "civil affairs".

Page 7, line 1, strike out "director of the Canal Zone Government," and insert "Governor,".

Page 7, lines 18 and 19, strike out "civil affairs director of the Canal Zone Government," and insert "Governor,".

Page 8, line 3, strike out "civil affairs director," and insert "Governor,".

Page 8, line 9, strike out "civil affairs director," and insert "Governor,".

Page 8, line 14, strike the word "repealed." and insert "repealed, and items (5), (6), (7), and (8) shall be redesignated (4), (5), (6), and (7) respectively."

Page 8, line 18, strike out "marriage;" and insert "a marriage;"

Page 8, lines 21 and 22, strike out "civil affairs director of the Canal Zone Government" and insert "Governor, or his designee,".

PURPOSE OF THE LEGISLATION

The purpose of S. 2348 is to transfer those administrative functions with respect to marriage licenses in the Canal Zone now administered by the Clerk of the U.S. District Court for the District of the Canal Zone to the Civil Affairs Director of the Canal Zone Government.

LEGISLATIVE HISTORY

S. 2348 was introduced on August 3, 1973, by the Honorable John L. McClellan of Arkansas and was subsequently referred to the Committee on the Judiciary in the Senate. The legislation was reported from the Committee on the Judiciary on March 27, 1974, with amendments that were chiefly technical in nature. These amendments were incorporated by the Judiciary Committee at the suggestion of the Department of the Army and the Administrative Office of the U.S. Courts. On March 29, S. 2348 passed the Senate by voice vote.

After the referral of S. 2348 to the Committee on Merchant Marine and Fisheries, the Committee referred this legislation to the Panama Canal Subcommittee, which held hearings on the subject on April 24. In testimony before the Subcommittee, the Canal Zone Government recommended enactment of S. 2348 and the Department of Justice recommended some amendments to the bill and otherwise deferred to the position of the Canal Zone Government.

On May 16, 1974, the Subcommittee met to consider S. 2348 and tabled it until further evidence and testimony could be produced on the bill's merits. Subsequently, further reports were received from executive agencies and the Subcommittee heard additional testimony

from U.S. District Court personnel in the Canal Zone on July 26, 1974.

On August 20, 1974, S. 2348 was taken from the table by unanimous consent and was ordered reported unanimously by the Panama Canal Subcommittee, with minor amendments suggested by the Department of Justice and the Canal Zone Government incorporated into the bill. S. 2348 was then ordered reported unanimously by the Full Committee on Merchant Marine and Fisheries on August 21, 1974.

Reports of agencies of the Executive Branch submitted to your Committee on S. 2348 are generally favorable. The Canal Zone Government twice dispatched favorable reports, the Administrative Office of U.S. Courts agrees with the principles of S. 2348, and the Department of Justice deferred in its position on the bill.

NEED FOR THE LEGISLATION

S. 2348 is designed to transfer the responsibility for administrative tasks associated with the issuance, recording, etc., of marriage licenses in the Canal Zone from the U.S. Courts to the Executive Branch of the Government for the Canal Zone.

The United States District Court for the District of the Canal Zone is the only remaining U.S. District Court which presently retains the administration of marriage licenses as one of its functions. The only other regular U.S. District Court to have this function was the U.S. District Court for the District of Columbia, which in 1966 was relieved of that function by the District of Columbia Reorganization Act.

Although it retains an administrative function which no U.S. court similar to it now has, the U.S. District Court in the Canal Zone has a heavy caseload like other courts and has only one judge to hear cases. Since the passage of the Comprehensive Drug Abuse Act of 1970, the number of criminal cases in the District Court have come to some 300 per year. Also, the civil caseload of the Court continues to grow annually. The caseload of the Court has made the burden of the time-consuming function of dealing with marriage licenses even more difficult than in previous years.

The Administrative Office of the U.S. Courts, which administers the U.S. District Court system including the District Court in the Canal Zone, is not oriented toward the administration of marriage licenses. Expertise on the function of licensing, recording, etc., of marriages would appear to be better directed if it were invested in a bureau which works more regularly with licensing functions in general.

S. 2348 has the intent of transferring administrative functions with respect to marriage licenses to the Director of the Civil Affairs Bureau of the Canal Zone Government. That Director has under his supervision the Canal Zone Government Licensing Section, from which licensing for motor vehicles, motor vehicle operators, insurance companies, foreign corporations, brokers (i.e., security dealers), and other matters is currently done (Part 27, Canal Zone Administrative Regulations, CZAR). While the thrust of this legislation has been to direct the subject tasks to the Civil Affairs Director, his office is a non-statutory one which can be abolished or altered by regulation. Thus, pursuant to the suggestion of the Department of Justice, your Com-

mittee has amended the bill to invest the marriage license functions in the Governor, who can then redelegate these functions to the Civil Affairs Director by authority of 35 CFR, Subchapter A.

According to evidence presented in hearings before the Panama Canal Subcommittee, the transfer of marriage license functions to the Canal Zone Government would place them in a jurisdiction in which the provision of this duty and service could be made more convenient for license applicants. Additionally, this new jurisdiction would be more likely to retain records in the local area accessible to those who need such records in the event of a change in relationship with the Republic of Panama. Finally, there is a great deal more expertise in the subject of licensing in an office which has been strictly oriented toward that function than one which has had licensing only as a matter apart from its main business.

AMENDMENTS TO THE LEGISLATION

S. 2348 was amended by the Committee to invest the authority to issue, record, etc., marriage licenses in a statutory office (Governor) rather than a non-statutory one (Director of the Civil Affairs Bureau). The Committee also made some technical and conforming amendments to the bill at the suggestion of Executive agencies.

COST OF THE LEGISLATION

According to evidence presented to the Committee there is no foreseeable cost to the Government of the transfer of functions cited in this legislation.

DEPARTMENTAL REPORTS AND COMMUNICATIONS

S. 2348 was the subject of departmental reports from the Department of Justice and the Canal Zone Government. These reports, plus two letters pertinent to S. 2348, follow herewith:

DEPARTMENT OF JUSTICE,
Washington, D.C., April 22, 1974.

HON. LEONOR K. SULLIVAN,
Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D.C.

DEAR MADAM CHAIRMAN: This is in response to your request for the views of the Department of Justice on S. 2348, an act to amend the Canal Zone Code to transfer the functions of the Clerk of the United States District Court for the District of the Canal Zone with respect to the issuance and recording of marriage licenses, and related activities, to the civil affairs director of the Canal Zone Government, and for other purposes.

This Act would amend sections 4, 5, 6, 8, 11, 34 and 36 of Title 8 of the Canal Zone Code by deleting references to the clerk of the United States District Court for the District of the Canal Zone and substituting therefor the "civil affairs director, or his designee." The effect of the bill is to transfer to the office of the civil affairs director the functions of granting, certifying, signing, and recording marriage licenses and of licensing those individuals who by 8 C.Z.C. § 5 are

authorized to perform and certify marriages. Sections 4(f) and 5(b) of Title 8 of the Canal Zone Code are further amended to eliminate all reference to the disposition of fees by the clerk of the District Court. Presumably, such fees would be disposed of pursuant to 3 C.Z.C. § 341(b) which requires that fees be paid over to the Canal Zone Government. The amendment to 8 C.Z.C. § 11(a) eliminates reference to the clerk and substitutes therefor "or an officer or employee" to include within the penalty section the director of the office of civil affairs or his designee.

The only additional substantive change is in 8 C.Z.C. § 4(b) which, as amended, would require that the marriage license state the legal residence and date of birth of the persons to be married but eliminates the requirement that the application state the color and race of each.

The references in Title 8 of the Canal Zone Code to the director of civil affairs of the Canal Zone Government, or his designee, raise a question regarding the transfer of authority by statute to an office not created by statute.¹ The duties and functions of the director of the office of civil affairs are predicated on Canal Zone Administration and Regulations (CZAR) §§ 27.1 and 27.2 (1966). This office may be abolished by administrative action, leaving no officer who can perform the statutory duties imposed upon that office by this bill. This difficulty could be overcome by delegating these functions to the Governor who under 3 C.Z.C. §§ 31 and 33 is generally charged with the performance of various duties connected with the civil government. The Governor thereafter could redelegate these functions to the director of the office of civil affairs by regulation (35 C.F.R. Subchapter A).²

Subject to the above comment regarding the administrative rather than statutory origin of the office of the director of civil affairs, whether this legislation should be enacted involves policy considerations as to which the Department of Justice makes no recommendation, deferring to the Canal Zone Government.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

W. VINCENT RAKESTRAW,
Assistant Attorney General.

CANAL ZONE GOVERNMENT,
OFFICE OF THE GOVERNOR,
Balboa Heights, Canal Zone, May 9, 1974.

HON. LEONOR K. SULLIVAN,
Chairman, Committee on Merchant Marine and Fisheries, U.S. House of Representatives.

DEAR MRS. SULLIVAN: This is in response to your request of April 3rd for a report on S. 2348, a bill to amend the Canal Zone Code to transfer

¹ The office of the clerk of the court is created by statute, 3 C.Z.C. § 7.

² The Governor of the Canal Zone is authorized to issue rules and regulations necessary for the performance of the duties delegated to him under 2 C.Z.C. §§ 31, 33, ultimately by 3 U.S.C. §§ 301-303. The Canal Zone Government is supervised by the President. In an early opinion of the Attorney General, 26 Op. Atty. Gen. 113 (1907), it was stated that the President may directly, or through persons appointed and employed by him to govern the Canal Zone, adopt rules and regulations needed for the government of that zone.

the functions of the Clerk of the United States District Court for the District of the Canal Zone with respect to the issuance and recording of marriage licenses, and related activities, to the civil affairs director of the Canal Zone Government, and for other purposes.

The matter has been given careful consideration, and I regard the proposal as unobjectionable. The functions that would be transferred from the Clerk's office (which is under the Administrative Office of the United States Courts) to the Canal Zone Government can be handled by this agency and the resulting increase in administrative costs is expected to be modest.

In addition to providing for transfer of these functions to the Canal Zone Government, section 2 of the bill would amend section 4(b) of Title 8, Canal Zone Code to delete the reference in the marriage license application to color and race and to add the requirement that the applicant state his legal residence and his date of birth.

I am advised that, as a technical matter, S. 2348 should be amended by inserting the article "a" before the word "marriage" in both Section 2 and Section 9. That part of Section 2 found on page 4, line 9 would thus be amended to read as follows:

"§ 5. Who may celebrate a marriage; license to celebrate."

Section 9 would be amended to read: "Sec. 9. The analysis of chapter 1 of title 8, Canal Zone Code (76A Stat. 671), is amended by striking out in the item relating to section 5 "marriages;" and inserting in lieu thereof "a marriage."

The Office of Management and Budget has advised that there is no objection to submission of this report to your committee.

Sincerely yours,

THOMAS M. CONSTANT,
Assistant to the Governor.

CANAL ZONE GOVERNMENT,
OFFICE OF THE GOVERNOR,
Balboa Heights, Canal Zone, June 5, 1974.

HON. ROBERT L. LEGGETT,
*Chairman, Subcommittee on Panama Canal, House of Representatives,
Washington, D.C.*

DEAR MR. LEGGETT: This is with reference to S. 2348 which would transfer the function of issuing and recording marriage licenses from the United States District Court in the Canal Zone to the Canal Zone Government. In thinking back over my testimony before you on April 24, 1974, I believe it would have been better had I come down in my testimony somewhat stronger on the desirability from an administrative viewpoint of the proposed transfer.

Transfer of the marriage license function will definitely be more advantageous in terms of convenience to the Canal Zone public generally. Almost all licensing functions have now been centralized in the Civil Affairs Bureau building which is well known to the public, centrally located and with ample public parking. By contrast, the District Court building sits in one of the most congested areas on the Canal Zone's perimeter and is generally not as well known. As an additional convenience to the public it will be much easier for personnel of the Civil Affairs Bureau to provide a broader administrative coverage. For example, deliveries of marriage licenses for couples planning

weekend marriages can be handled within the present resources of the Civil Affairs Bureau without inconvenience, whereas the Court must now call for Canal Zone Government assistance in some instances.

It is hoped that these additional comments will clarify some of the administrative considerations that prompt our favorable view of this proposed Canal Zone Code revision.

Sincerely yours,

DAVID S. PARKER, *Governor.*

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS,
Washington, D.C., June 7, 1974.

HON. ROBERT L. LEGGETT,
Chairman, Subcommittee on Panama Canal, Committee on Merchant Marine and Fisheries, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to the request of your staff for our views concerning the bill, S. 2348, to amend the Canal Zone Code to transfer the functions of the Clerk of the United States District Court for the District of the Canal Zone with respect to the issuance and recording of marriage licenses and related activities to the civil affairs director of the Canal Zone Government.

The Judicial Conference of the United States, at its March 7-8, 1974 session, considered the provisions of S. 2348 and voted its approval thereof. The Conference further recommended that S. 2348 be amended to provide for the transfer of records of marriages previously accumulated in the clerk's office to the civil affairs director of the Canal Zone Government.

These duties of the clerk are not related to the judicial functions of the district court, and it has been the policy of the Judicial Conference of the United States to the extent that duties are not so related, to encourage their transfer to other appropriate branches of the Government.

Sincerely,

ROWLAND F. KIRKS, *Director.*

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, as amended, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 344 OF TITLE 3, CANAL ZONE CODE

(76A Stat. 62)

§ 344. Other fees of clerk of district court

The clerk of the district court shall collect the following fees:

- (1) certified copy of any paper, record, decree, judgment, or entry, for each page of 250 words or fraction thereof,
- | | |
|----------------------|---------|
| (A) first copy----- | \$0. 65 |
| (B) carbon copy----- | . 30 |

(2) copy of records for transmission to United States Court of Appeals, for each page of 250 words or fraction thereof-----	. 65
(3) photographic reproduction and certification of any record or paper, per page-----	. 50
[(4)] certification of copy of marriage certificate-----	1. 00
[(5)] (4) searching records and giving certificate thereto of any fact or facts contained therein-----	. 50
[(6)] (5) taking acknowledgments, each-----	. 50
[(7)] (6) administering oaths, each-----	. 25
[(8)] (7) recording powers of attorney, deeds, and other instruments where fee is not specified by another statute, for each page of 100 words or fraction thereof, with minimum charge of \$1.00 for each instrument-----	. 25

TITLE 8, CANAL ZONE CODE

(76A Stat. 671)

DOMESTIC RELATIONS

* * * * *

CHAPTER 1. MARRIAGE

SUBCHAPTER I—GENERAL PROVISIONS

Sec.

1. Marriage relation; consent; solemnization.
2. Capacity of minors to marry.
3. Proof of consent and solemnization.
4. Marriage license; application; waiting period; medical certificate or court order; fee; record; period of validity.
5. Who may celebrate [marriages;] a marriage; license to celebrate.

* * * * *

[§ 4. Marriage license; application; waiting period; medical certificate or court order; fee; record; period of validity]

[(a) A marriage may not be celebrated in the Canal Zone unless a license to marry has first been secured from the office of the clerk of the district court in either division. If both parties to a proposed marriage are residents of the Republic of Panama and neither is a United States citizen, a license may not issue in the Canal Zone unless the parties have previously obtained a license to marry from the proper authorities in the Republic of Panama. A marriage license may not be issued to a leper except upon a certificate of approval by the health director of the Canal Zone Government. A license when issued shall be accompanied by a marriage certificate to be executed by the person celebrating the marriage.]

[(b) The application for a marriage license shall state:

[(1) the name, address, age, color, and race of each of the persons to be married;

[(2) the relationship, if any, of the persons, by consanguinity or affinity; and

[(3) if either person has been previously married, the date and place of each previous marriage, the name of each former spouse, and the manner in which each previous marriage has been terminated.]

[(c) Except as provided by subsection (d) of this section, the clerk shall issue a marriage license, after application therefor, if:

[(1) the application for the license is in accordance with subsection (b) of this section, and is accompanied by the written consent when required by section 2 of this title; and

[(2) it appears to the clerk's satisfaction, from the sworn statements of the persons desiring to marry, or, if required by the clerk, from the sworn statement of another person, that no legal impediment to the marriage is known to exist.]

[(d) The clerk may not issue a marriage license until:

[(1) the application therefor remains on file, open to the public, in his office, for three days before license is issued; and

[(2) each of the persons desiring to be married has presented and filed with him either a medical certificate indicating that the examination required by subchapter II of this chapter has been made, or an order from the district court, as provided by that subchapter, directing him to issue the license.]

[(e) The Governor shall prescribe the form of the application for a marriage license, of the marriage license, and of the marriage certificate.]

[(f) The clerk shall collect a fee of \$2 upon the issuance of a marriage license, and shall keep a record of all licenses issued and of all applications for licenses, together with any written consent of parents or a parent or guardian or the health director accompanying the same. The fee shall be disposed of in the same manner as other fees received by the clerk.]

[(g) A marriage license is valid for only 30 days, including the date it is issued.]

§ 4. Marriage license; application; waiting period; medical certificate or court order; fee; record; period of validity

(a) *A marriage may not be celebrated in the Canal Zone unless a license to marry has first been secured from the Governor, or his designee. If both parties to a proposed marriage are residents of the Republic of Panama and neither is a United States citizen, a license may not be issued in the Canal Zone unless the parties have previously obtained a license to marry from the proper authorities in the Republic of Panama. A marriage license may not be issued to a leper except upon a certificate of approval by the health director of the Canal Zone Government. A license when issued shall be accompanied by a marriage certificate to be executed by the person celebrating the marriage.*

(b) *The application for a marriage license shall state—*

(1) *the name, address, legal residence, age, and date of birth of each of the persons to be married;*

(2) *the relationship, if any, of the persons, by consanguinity or affinity; and*

(3) *if either person has been previously married, the date and place of each previous marriage, the name of each former spouse, and the manner in which each previous marriage has been terminated.*

(c) *Except as provided by subsection (d) of this section, the Governor, or his designee, shall issue a marriage license, after application therefor, if—*

(1) *the application for the license is in accordance with subsection (b) of this section, and is accompanied by the written consent when required by section 2 of this title; and*

(2) *it appears to the satisfaction of the Governor, or his designee, from the sworn statements of the persons desiring to marry, or, if required by the Governor, or his designee, from the sworn statement of another person, that no legal impediment to the marriage is known to exist.*

(d) *The Governor, or his designee, may not issue a marriage license until—*

(1) *the application therefor remains on file, open to the public, in his office, for three days before license is issued; and*

(2) *each of the persons desiring to be married has presented and filed with him either a medical certificate indicating that the examination required by subchapter II of this chapter has been made, or an order from the district court, as provided by that subchapter, directing him to issue the license.*

(e) *The Governor shall prescribe the form of the application for a marriage license, of the marriage license, and of the marriage certificate.*

(f) *The Governor, or his designee, shall collect a fee of \$2 upon the issuance of a marriage license, and shall keep a record of all licenses issued and of all applications for licenses, together with any written consent of parents or a parent or guardian or the health director accompanying the same.*

(g) *A marriage license is valid for only thirty days, including the date it is issued.*

§ 5. Who may celebrate marriages; license to celebrate

[(a) A marriage may be celebrated in the Canal Zone only by a:

[(1) magistrate of the Canal Zone;

[(2) minister in good standing in any religious society or denomination who resides in the Canal Zone; or

[(3) minister in good standing in any religious society or denomination who resides in the Republic of Panama, if he has procured from the clerk of the district court for the Canal Zone a license authorizing the minister to celebrate marriages in the Canal Zone.]

[(b) The clerk shall issue the license provided for by paragraph (3) of subsection (a) of this section upon the submission, by a minister referred to therein, of a written application, together with a duly authenticated copy of his authority to celebrate marriages in the Republic of Panama. The clerk shall be paid a fee of \$5 for issuing and recording the license. The fee shall be disposed of in the same manner as other fees received by the clerk.]

§ 5. Who may celebrate a marriage; license to celebrate

(a) *A marriage may be celebrated in the Canal Zone only by a—*

(1) *magistrate of the Canal Zone;*

(2) *minister in good standing in any religious society or denomination who resides in the Canal Zone; or*

(3) *minister in good standing in any religious society or denomination who resides in the Republic of Panama, if he has*

procured from the Governor, or his designee, a license authorizing the minister to celebrate marriages in the Canal Zone.

(b) The Governor, or his designee, shall issue the license provided for by paragraph (3) of subsection (a) of this section upon the submission, by a minister referred to therein, of a written application, together with a duly authenticated copy of his authority to celebrate marriages in the Republic of Panama. The Governor, or his designee, shall be paid a fee of \$5 for issuing and recording the license.

§ 6. Certifying, signing, return, and recording of license; marriage certificate]

[(a) The judicial officer or minister celebrating a marriage shall:

[(1) certify upon the marriage license that he celebrated the marriage, giving his official title and the time when and place where the marriage was celebrated;

[(2) cause two persons who witnessed the marriage to sign their names on the marriage license as witnesses, each giving his place of residence;

[(3) at the time of the marriage, fill out and sign the marriage certificate accompanying the license and deliver it to one of the parties to the marriage; and

[(4) within thirty days after the date of the marriage, return the license, so certified and witnessed, to the clerk who issued it.]

[(b) Upon return of a license as required by subsection (a) of this section, the clerk shall file it after making registry thereof in a book to be kept in his office for that purpose only. The registry must contain the Christian and surnames of the parties, the time of their marriage, and the name and title of the person who celebrated the marriage.]

§ 6. Certifying, signing, return, and recording of license; marriage certificate

(a) The judicial officer or minister celebrating a marriage shall—

(1) certify upon the marriage license that he celebrated the marriage, giving his official title and the time when and place where the marriage was celebrated;

(2) cause two persons who witnessed the marriage to sign their names on the marriage license as witnesses, each giving his place of residence;

(3) at the time of the marriage, fill out and sign the marriage certificate accompanying the license and deliver it to one of the parties to the marriage; and

(4) within thirty days after the date of the marriage, return the license, so certified and witnessed, to the office of the Governor, or his designee.

(b) Upon return of a license as required by subsection (a) of this section, the civil affairs director, or his designee, shall file it after making registry thereof in a book to be kept in his office for that purpose only. The registry must contain the Christian and surnames of the parties, the time of their marriage, and the name and title of the person who celebrated the marriage.

* * * * *

[§ 8. Acknowledgment and recording of declaration

[Declarations of marriage shall be acknowledged and recorded in the office of the clerk of the district court.]

§ 8. Acknowledgment and recording of declaration

Declarations of marriage shall be acknowledged and recorded in the office of the Governor, or his designee.

* * * * *

[§ 11. Offenses and penalties

[(a) Whoever, being a judicial officer, minister qualified to celebrate marriages in the Canal Zone or a clerk of court, violates section 4, 5 or 6 of this title, shall be fined not more than \$100 or imprisoned in jail not more than 30 days, or both.]

[(b) Whoever knowingly makes a false oath as to a material matter for the purpose of procuring or aiding another to procure a marriage license is guilty of perjury and shall be imprisoned in the penitentiary not more than 10 years.]

[(c) Whoever knowingly files with the clerk a written consent, any signature to which is a forgery, is guilty of uttering a forged instrument and shall be imprisoned in the penitentiary not more than 14 years.]

[(d) Whoever, not being qualified to celebrate marriages in the Canal Zone pursuant to this subchapter, celebrates what purports to be a marriage ceremony shall be imprisoned in the penitentiary not more than 3 years.]

§ 11. Offenses and penalties

(a) Whoever, being a judicial officer, minister qualified to celebrate marriages in the Canal Zone, or an officer or employee of the United States, violates section 4, 5, or 6 of this title, shall be fined not more than \$100 or imprisoned in jail not more than thirty days, or both.

(b) Whoever knowingly makes a false oath as to a material matter for the purpose of procuring or aiding another to procure a marriage license is guilty of perjury and shall be imprisoned in the penitentiary not more than ten years.

(c) Whoever knowingly files with the Governor, or his designee, a written consent, any signature to which is a forgery, is guilty of uttering a forged instrument and shall be imprisoned in the penitentiary not more than fourteen years.

(d) Whoever, not being qualified to celebrate marriages in the Canal Zone pursuant to this subchapter, celebrates what purports to be a marriage ceremony shall be imprisoned in the penitentiary not more than three years.

* * * * *

[§ 34. Marriage license, without medical certificate, because of pregnancy]

[If a female applicant for a marriage license makes an affidavit to the effect that marriage is necessary because she is with child and that the marriage will confer legitimacy on the unborn child, the district court may hear and determine on medical testimony the question of pregnancy and, on adjudging that pregnancy exists, shall order the

clerk of the court to issue the marriage license if all other requirements of the law regulating the issuance of marriage licenses are complied with, even though the clinical examination and laboratory tests reveal that one or both applicants have a syphilis infection. In its order, the court shall provide that the applicant or applicants having syphilis infection shall be treated for the infection as provided by the regulations referred to in section 33 of this title. A copy of the order shall be filed with the clerk in lieu of the medical certificate.】

§ 34. Marriage license, without medical certificate, because of pregnancy

If a female applicant for a marriage license makes an affidavit to the effect that marriage is necessary because she is with child and that the marriage will confer legitimacy on the unborn child, the district court may hear and determine on medical testimony the question of pregnancy and, on adjudging that pregnancy exists, shall order the Governor, or his designee, to issue the marriage license if all other requirements of the law regarding the issuance of marriage licenses are complied with, even though the clinical examination and laboratory tests reveal that one or both applicants have syphilis infection. In its order, the court shall provide that the applicant or applicants having syphilis infection shall be treated for the infection as provided by the regulations referred to in section 33 of this title. A copy of the order shall be filed with the Governor, or his designee, in lieu of the medical certificate.

* * * * *

§ 36. Protest after refusal of medical certificate and marriage license; hearing

【(a) If an applicant has been refused a marriage license by the clerk of the district court because of failure to obtain a medical certificate, the applicant may elect to file a protest and take the procedure authorized by this section or to take any other proper procedure.】

(a) If an applicant has been refused a marriage license by the Governor, or his designee, because of failure to obtain a medical certificate, the applicant may elect to file a protest and take the procedure authorized by this section or to take any other procedure.

* * * * *

Ninety-third Congress of the United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Monday, the twenty-first day of January, one thousand nine hundred and seventy-four

An Act

To amend the Canal Zone Code to transfer the functions of the Clerk of the United States District Court for the District of the Canal Zone with respect to the issuance and recording of marriage licenses, and related activities, to the civil affairs director of the Canal Zone Government, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of title 8, Canal Zone Code (76A Stat. 672), is amended to read as follows:

“§ 4. Marriage license; application; waiting period; medical certificate or court order; fee; record; period of validity

“(a) A marriage may not be celebrated in the Canal Zone unless a license to marry has first been secured from the Governor, or his designee. If both parties to a proposed marriage are residents of the Republic of Panama and neither is a United States citizen, a license may not be issued in the Canal Zone unless the parties have previously obtained a license to marry from the proper authorities in the Republic of Panama. A marriage license may not be issued to a leper except upon a certificate of approval by the health director of the Canal Zone Government. A license when issued shall be accompanied by a marriage certificate to be executed by the person celebrating the marriage.

“(b) The application for a marriage license shall state—

“(1) the name, address, legal residence, age, and date of birth of each of the persons to be married;

“(2) the relationship, if any, of the persons, by consanguinity or affinity; and

“(3) if either person has been previously married, the date and place of each previous marriage, the name of each former spouse, and the manner in which each previous marriage has been terminated.

“(c) Except as provided by subsection (d) of this section, the Governor, or his designee, shall issue a marriage license, after application therefor, if—

“(1) the application for the license is in accordance with subsection (b) of this section, and is accompanied by the written consent when required by section 2 of this title; and

“(2) it appears to the satisfaction of the Governor, or his designee, from the sworn statements of the persons desiring to marry, or, if required by the Governor, or his designee, from the sworn statement of another person, that no legal impediment to the marriage is known to exist.

“(d) The Governor, or his designee, may not issue a marriage license until—

“(1) the application therefor remains on file, open to the public, in his office, for three days before license is issued; and

“(2) each of the persons desiring to be married has presented and filed with him either a medical certificate indicating that the examination required by subchapter II of this chapter has been made, or an order from the district court, as provided by that subchapter, directing him to issue the license.

“(e) The Governor shall prescribe the form of the application for a marriage license, of the marriage license, and of the marriage certificate.

“(f) The Governor, or his designee, shall collect a fee of \$2 upon the issuance of a marriage license, and shall keep a record of all licenses issued and of all applications for licenses, together with any written

consent of parents or a parent or guardian or the health director accompanying the same.

“(g) A marriage license is valid for only thirty days, including the date it is issued.”

SEC. 2. Section 5 of title 8, Canal Zone Code (76A Stat. 673), is amended to read as follows:

“§ 5. Who may celebrate a marriage; license to celebrate

“(a) A marriage may be celebrated in the Canal Zone only by a—

“(1) magistrate of the Canal Zone;

“(2) minister in good standing in any religious society or denomination who resides in the Canal Zone; or

“(3) minister in good standing in any religious society or denomination who resides in the Republic of Panama, if he has procured from the Governor, or his designee, a license authorizing the minister to celebrate marriages in the Canal Zone.

“(b) The Governor, or his designee, shall issue the license provided for by paragraph (3) of subsection (a) of this section upon the submission, by a minister referred to therein, of a written application, together with a duly authenticated copy of his authority to celebrate marriages in the Republic of Panama. The Governor, or his designee, shall be paid a fee of \$5 for issuing and recording the license.”

SEC. 3. Section 6 of title 8, Canal Zone Code (76A Stat. 673), is amended to read as follows:

“§ 6. Certifying, signing, return, and recording of license; marriage certificate

“(a) The judicial officer or minister celebrating a marriage shall—

“(1) certify upon the marriage license that he celebrated the marriage, giving his official title and the time when and place where the marriage was celebrated;

“(2) cause two persons who witnessed the marriage to sign their names on the marriage license as witnesses, each giving his place of residence;

“(3) at the time of the marriage, fill out and sign the marriage certificate accompanying the license and deliver it to one of the parties to the marriage; and

“(4) within thirty days after the date of the marriage, return the license, so certified and witnessed, to the office of the Governor, or his designee.

“(b) Upon return of a license as required by subsection (a) of this section, the Governor, or his designee, shall file it after making registry thereof in a book to be kept in his office for that purpose only. The registry must contain the Christian and surnames of the parties, the time of their marriage, and the name and title of the person who celebrated the marriage.”

SEC. 4. Section 8 of title 8, Canal Zone Code (76A Stat. 673), is amended to read as follows:

“§ 8. Acknowledgment and recording of declaration

“Declarations of marriage shall be acknowledged and recorded in the office of the Governor, or his designee.”

SEC. 5. Section 11 of title 8, Canal Zone Code (76A Stat. 674), is amended to read as follows:

“§ 11. Offenses and penalties

“(a) Whoever, being a judicial officer, minister qualified to celebrate marriages in the Canal Zone, or an officer or employee of the United States, violates section 4, 5, or 6 of this title, shall be fined not more than \$100 or imprisoned in jail not more than thirty days, or both.

“(b) Whoever knowingly makes a false oath as to a material matter for the purpose of procuring or aiding another to procure a marriage license is guilty of perjury and shall be imprisoned in the penitentiary not more than 10 years.

“(c) Whoever knowingly files with the Governor, or his designee, a written consent, any signature to which is a forgery, is guilty of uttering a forged instrument and shall be imprisoned in the penitentiary not more than fourteen years.

“(d) Whoever, not being qualified to celebrate marriages in the Canal Zone pursuant to this subchapter, celebrates what purports to be a marriage ceremony shall be imprisoned in the penitentiary not more than three years.”

Sec. 6. Section 34 of title 8, Canal Zone Code (76A Stat. 675), is amended to read as follows:

“§ 34. Marriage license, without medical certificate, because of pregnancy

“If a female applicant for a marriage license makes an affidavit to the effect that marriage is necessary because she is with child and that the marriage will confer legitimacy on the unborn child, the district court may hear and determine on medical testimony the question of pregnancy and, on adjudging that pregnancy exists, shall order the Governor, or his designee, to issue the marriage license if all other requirements of the law regarding the issuance of marriage licenses are complied with, even though the clinical examination and laboratory tests reveal that one or both applicants have syphilis infection. ~~In its order, the court shall provide that the applicant or applicants having syphilis infection shall be treated for the infection as provided by the regulations referred to in section 33 of this title. A copy of the order shall be filed with the Governor, or his designee, in lieu of the medical certificate.”~~

Sec. 7. Subsection (a) of section 36 of title 8, Canal Zone Code (76A Stat. 675), is amended to read as follows:

“(a) If an applicant has been refused a marriage license by the Governor, or his designee, because of failure to obtain a medical certificate, the applicant may elect to file a protest and take the procedure authorized by this section or to take any other procedure.”

Sec. 8. Item (4) of section 344 of title 3, Canal Zone Code (76A Stat. 62), is repealed, and items (5), (6), (7), and (8) shall be redesignated (4), (5), (6), and (7) respectively.

Sec. 9. The analysis of chapter 1 of title 8, Canal Zone Code (76A Stat. 671), is amended by striking out in the item relating to section 5 “marriages;” and inserting in lieu thereof “a marriage;”.

Sec. 10. All records of marriages in the custody of the clerk of the United States District Court for the District of the Canal Zone shall be transferred to the Governor, or his designee, within ninety days after the date of enactment of this Act.

S. 2348—4

SEC. 11. The amendments and repeals made by this Act shall become effective upon the expiration of ninety days after the date of enactment, except that section 10 shall become effective on the date of enactment.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

October 17, 1974

Dear Mr. Director:

The following bills were received at the White House on October 17th:

S.J. Res. 236	S. 2840	H.R. 7768	H.R. 14225
S.J. Res. 250	S. 3007	H.R. 7780	H.R. 14597
S.J. Res. 251 ✓	S. 3234	H.R. 11221	H.R. 15148 ✓
S. 355	S. 3473	H.R. 11251	H.R. 15427
S. 605 ✓	S. 3698	H.R. 11452	H.R. 15540
S. 628	S. 3792	H.R. 11830	H.R. 15643
S. 1411	S. 3838 ✓	H.R. 12035	H.R. 16857 ✓
S. 1412	S. 3979 ✓	H.R. 12281	H.R. 17027
S. 1769 ✓	H.R. 6624	H.R. 13561	
S. 2348 ✓	H.R. 6642	H.R. 13631	

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

The Honorable Roy L. Ash
Director
Office of Management and Budget
Washington, D. C.