

*Constitutional  
Amendments*

July 27th, 1906.

Mr. John Gibson Hale,  
1651 Marquette Building, Chicago.

My dear Sir:-

Your favor of the 24th inst. with  
copy of proposed resolution for an amendment to the  
Federal Constitution is received. I shall be interested  
in examining the plan and in submitting it to some  
of my colleagues.

Very truly yours,

July 27th, 1908.

Mr. John Gibson Hale,

1881 Marquette Building, Chicago.

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*Constitutional  
Amendment*

JUNE: CENTRAL 2086

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*J*

**John Gibson Hale**

ST. LOUIS LAW SCHOOL 1881

**COMMERCIAL LAWYER**

1651 MARQUETTE BUILDING

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ONE: CENTRAL 2066

Chicago, July 24, 1906. 190

Pres. Uiver,y of Chicago,  
City.

My dear Sir;-

Herewith I beg to hand you copies of aproposed resolution for an amendment to the Fed. Constitution which I have recently submitted to the Congress, action upon which was, I believe, postponed indefinitely.

If I mistake not the demand for some such legislation is generally recognized, and action upon such measures can not be deferred much longer.

In the hope that this proposal may be thoroughly considered by the proper department of the valued institution over which you preside I am sending you these copies.

With great respect, I am,

Yours very truly,

*John Gibson Hale*

John Gibson Hale  
ST. LOUIS LAW SCHOOL 1881  
COMMERCIAL LAWYER  
181 MARQUETTE BUILDING

*Handwritten scribble*

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Chicago, July 24, 1906

Tras, University of Chicago,  
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Herewith I beg to hand you copies of proposed resolution for an amendment to the Fed. Constitution which I have recently submitted to the Congress, action upon which was, I believe, postponed indefinitely.

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*Handwritten signature: John Gibson Hale*

# Proposal for Amendment to Constitution

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Be it Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, that an Amendment to, the Constitution of these United States be, and the same is, hereby proposed and submitted to the several States of this Union for ratification by their respective General Assemblies, as follows:

SECTION I. Congress shall enact a uniform law regulating marriage, divorce and separate maintenance, and providing a system of registration therefor with the Census or other department of Government; But, marriage between a person of the White or Caucasian race and one bearing more than one-sixteenth part of the blood of any other race, the Indian races of North America excepted, Or by any person of unsound mind, Or by any person possessed of a contagious disease or organic weakness (the spread or increase of which would be injurious to or tend to retard the development of the human race), Or by any person while confined as punishment for crime, Or by any male person under the age of twenty-one years or any female person under the age of eighteen years (excepting the former over eighteen years and the latter over sixteen years with the written consent of their parents, Or if orphans the approval of the judge of court having probate jurisdiction where such marriage is to be celebrated), Or between blood relatives to the degree of first cousins, Or between persons the difference in whose age shall exceed twenty-five years Is Prohibited: And no marriage here prohibited shall be held valid; And no marriage contracted, or divorce decreed without the requisite examination, registration and formality provided for by Congress shall be held valid; And no marriage which is here prohibited, or which would not be valid under the said Act of Congress, shall be held to be valid within the United States because contracted in and valid by the laws of some other country; And any marriage contracted after the submission of this Proposal or Amendment, which is here prohibited, shall be void if the said Amendment shall be adopted or ratified; And, until enlarged by the Congress, the terms contagious disease and organic weakness, as used in this Amendment, shall be held to embrace only pronounced infection of the blood and deterioration of the lung and such disorders and complaints as usually become epidemic and are of a probable fatal nature.

SEC. 2. Marriage by a citizen or subject of these United States with any foreign potentate other than the head of a Republic on the Western Hemisphere or contiguous Islands. Or with any person belonging or claiming to belong to the Royal family or Nobility of any foreign country or power, or bearing any such title of Royalty or Nobility shall work and constitute a forfeiture of his or her citizenship in and allegiance to these United States, and of the right to hold office, enjoy suffrage, or take or hold property within these United States by inheritance, gift or descent, or by devise, or as dower, or by courtesy, or to have the same so held for his or her use or benefit by virtue of any conveyance in trust whatsoever; And the like rule shall apply to the issue and posterity of any such marriage so long as such issue or posterity shall bear or lay claim to any such title of Royalty or Nobility; And no transfer, gift, settlement or devise of property within these United States, or use thereof, or promise of same, shall be made as an inducement for, or in anticipation, or in celebration of any such marriage; And any citizen or subject of these United States who shall marry a citizen or subject of any foreign country or power excepting the Western Hemisphere and contiguous Islands and take up residence without the jurisdiction of these United States shall thereby forfeit allegiance to these United States.

SEC. 3. Divorce may be decreed for substantial cause arising after marriage only, excepting instances where from ripe acquaintance and due inquiry the existence of such cause could not have been anticipated at the time of such marriage, and excepting also instances where, in the opinion of the court, the welfare of the minor children born of such marriage or adopted will be subserved by the continuance of such marriage relation; Provided that no decree of divorce shall be granted without due notice, or upon secret hearing, and that in granting divorce restriction of the right of marriage and other burdens by way of penalty may be imposed, and where constructive service or notice is had the decree shall be interlocutory to be made final after two years have passed in the absence of substantial objection and upon proof of proper conduct during the interim.

SEC. 4. All citizens of the United States who shall be married according to Statutory law, and who shall be rearing one or more children born of such marriage in a residence owned by either of such citizens, or children, shall be entitled to hold such residence, to the value of one thousand dollars, together with the household furniture and fixtures, necessary wearing apparel, musical instruments, books, pictures and art wares used therein to the value of five hundred dollars, free from taxation, levy of legal process and incumbrance during the minority of any such child, except as hereinafter provided; and the like privilege and benefit shall apply to the widow of any such marriage and so rearing any such child; and for each child

above one born of such marriage and being so reared the amount of such exemption shall be enlarged in the sum of three hundred dollars upon the residence and fifty dollars upon the other property named, and for each child under the age of eighteen years adopted and so reared by such citizens, said exemptions and benefits shall apply in the half sum; Provided, that such exemption shall not apply to taxation for school purposes, or for improvements which are a special benefit to said residence and which have been made according to law and by the consent of a majority of the land owners in the district, or, if in a town or city, the block within which such residence may be located; And, provided, further, that such exemption shall not apply to the purchase money for said property, and that said property may be mortgaged when necessary for the welfare of said family upon a certificate of such fact from a judge of any court of record in the county where such property is situate, such certificate to be made in proper cases without charge. This exemption to be in addition to any exemption allowed by the laws of the state or territory where such family may reside; And the States, Territories and Municipalities of this Union are hereby empowered to levy an annual tax against unmarried male persons over the age of twenty-one years, which may be doubled above the age of thirty years, against divorced persons not supporting a minor child, against married persons not rearing a child born of such marriage, excepting where the wife is above forty years of age, and the issue of such marriage has died and a child under eighteen years of age has been adopted and is being so reared, and against all eligible male voters who shall fail to register and vote at any primary of his political faith or election held at the place of his residence, when not prevented by actual sickness.

SEC. 5. Cities and Towns shall have the power to establish in the residence portions thereof districts within which the sale of intoxicating liquors of every kind, except when for medicinal use, the construction or maintenance of hospitals, asylums, charitable homes, factories, shops, tenement houses, stores and other institutions and places objectionable in a home neighborhood, either or all, may be prohibited from being and excluded, and to levy taxes upon the real estate within the district so established as a home section for the maintenance and adornment of such district, such as the constructing, improving, and cleaning of streets, laying out park-ways, sewers, drains and sidewalks, arbor and shade trees, establishing building lines, and to regulate the construction and occupancy of buildings in the respect of sanitation, ventilation, light, air and other elements so as to preserve the health and home advantages of said district, but such powers shall only be exercised upon petition of a majority of the owners of real estate situate in the block or blocks of land comprising said district, or after election, when a majority of such

owners who may vote upon such question favor same, such vote to be taken upon petition of fifteen per centum of such owners.

SEC. 6. Congress shall have power to regulate insurance, indemnity and guarantee, incidental to Inter-State or Foreign Commerce, and to regulate assurance for the protection of one's self, family or dependent in the event of accident or death, and to provide an income for such during infirmity or old age, but the amount of such assurance shall be limited to the reasonable need of the assured family or dependent as protection.

SEC. 7. Congress shall have power to enact all laws, criminal as well as civil, which may be necessary to give full effect to the spirit of this amendment, and to prevent sexual intercourse between persons not married, according to statutory law, or whose marriage is here prohibited, to discourage divorce, and to encourage appropriate marriages, bringing up children, owning homes, and provide adequate punishment for the disregard or breach of marriage obligations, and, in addition to other penalties, may disfranchise or disqualify from holding office and inflict corporal punishment.

PRESENTED BY

JOHN GIBSON HALE, of the Chicago Bar,

Marquette Building.