

# SENATE BILL No. 824

March 25, 1992, Introduced by Senators WELBORN and  
DE GROW and referred to the Committee on Judiciary.

A bill to amend sections 7 and 16 of chapter 83 of the  
Revised Statutes of 1846, entitled  
"Of marriage and the solemnization thereof,"  
section 7 as amended by Act No. 64 of the Public Acts of 1983,  
being sections 551.7 and 551.16 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 7 and 16 of chapter 83 of the Revised  
2 Statutes of 1846, section 7 as amended by Act No. 64 of the  
3 Public Acts of 1983, being sections 551.7 and 551.16 of the  
4 Michigan Compiled Laws, are amended to read as follows:

5       Sec. 7. (1) Marriages may be solemnized by any of the  
6 following:

7       (A) A JUSTICE OF THE SUPREME COURT.

8       (B) A JUDGE OF THE COURT OF APPEALS.

1 (C) A JUDGE OF THE CIRCUIT COURT IN THE CIRCUIT IN WHICH THE  
2 JUDGE IS SERVING.

3 (D) A JUDGE OF THE RECORDER'S COURT OF DETROIT IN THE CITY  
4 OF DETROIT.

5 (E) ~~-(a)-~~ A judge of the district court ~~—~~ in the district  
6 in which the judge is serving.

7 (F) ~~-(b)-~~ A district court magistrate ~~—~~ in the district in  
8 which the magistrate ~~-serves-~~ IS SERVING.

9 (G) ~~-(c)-~~ A municipal judge ~~—~~ in the city in which the  
10 judge is serving or in a township over which a municipal court  
11 has jurisdiction pursuant to section 9928 of THE REVISED JUDICA-  
12 TURE ACT OF 1961, Act No. 236 of the Public Acts of 1961, being  
13 section 600.9928 of the Michigan Compiled Laws.

14 (H) ~~-(d)-~~ A judge of probate ~~—~~ in the county or probate  
15 court district in which the judge is serving.

16 (I) ~~-(e)-~~ A judge of a federal court.

17 (J) ~~-(f)-~~ A mayor of a city ~~—~~ in the city in which the  
18 mayor serves.

19 (K) ~~-(g)-~~ The county clerk of a county having more than  
20 2,000,000 inhabitants or an employee of the clerk's office desig-  
21 nated by the county clerk, in the county in which the clerk  
22 serves.

23 (L) ~~-(h)-~~ A minister of the gospel, ~~anywhere in the state,~~  
24 if the minister is ordained or authorized to solemnize marriages  
25 according to the usages of the denomination ~~—~~ and is a pastor  
26 of a church in this state ~~—~~ or continues to preach the gospel  
27 in this state.

1 (M) ~~(i)~~ A minister of the gospel, ~~anywhere in the state,~~  
2 if the minister is not a resident of this state but is authorized  
3 to solemnize marriages under the laws of the state in which the  
4 minister resides.

5 (2) A person authorized by this act to solemnize a marriage  
6 shall keep proper records and make returns as required by section  
7 4 of Act No. 128 of the Public Acts of 1887, as amended, being  
8 section 551.104 of the Michigan Compiled Laws.

9 (3) If a mayor of a city solemnizes a marriage, the mayor  
10 shall charge and collect a fee to be determined by the council of  
11 that city. ~~, which~~ THE FEE shall be paid to the city treasurer  
12 and deposited in the general fund of the city at the end of the  
13 month.

14 (4) If the county clerk of a county having more than  
15 2,000,000 inhabitants or an employee of the clerk's office desig-  
16 nated by the county clerk solemnizes a marriage, the county clerk  
17 shall charge and collect a fee to be determined by the commis-  
18 sioners of that county. ~~, which~~ THE FEE shall be paid to the  
19 county treasurer and deposited in the general fund of the county  
20 at the end of the month.

21 Sec. 16. A marriage solemnized before a person professing  
22 to be a ~~district~~ judge, ~~common pleas court judge,~~ ~~district~~  
23 ~~court~~ magistrate, ~~municipal judge,~~ ~~judge of probate,~~ ~~judge of a~~  
24 ~~federal court,~~ mayor, the county clerk of a county having more  
25 than 2,000,000 inhabitants or an employee of the county clerk  
26 designated by the clerk to solemnize marriages, or a minister of  
27 the gospel ~~shall not be considered or adjudged to be void, nor~~

1 ~~shall~~ AS DESCRIBED IN SECTION 7 IS NOT VOID AND the validity of  
2 the marriage ~~be~~ IS NOT affected ~~, on account of any want~~ FOR  
3 LACK of jurisdiction or authority in the supposed judge, magis-  
4 trate, mayor, clerk, employee, or minister, if the marriage was  
5 consummated with a full belief ~~on the part~~ BY 1 OR BOTH of the  
6 persons married ~~, or either of them,~~ that they were lawfully  
7 joined in marriage.