



SENATE BILL No. 754

July 13, 1993, Introduced by Senators WELBORN and EHLERS
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 fol-
- 6 lowing PERSONS:
- 7 (A) A JUSTICE OF THE SUPREME COURT.

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

2 (C) A JUDGE OF THE CIRCUIT COURT IF THE MARRIAGE IS
3 SOLEMNIZED IN THE CIRCUIT IN WHICH THE JUDGE IS SERVING.

4 (D) A JUDGE OF THE RECORDER'S COURT OF DETROIT IF THE MAR-
5 RIAGE IS SOLEMNIZED IN THE CITY OF DETROIT.

6 (E) ~~-(a)-~~ A judge of the district court ~~—~~ IF THE MARRIAGE
7 IS SOLEMNIZED in the district in which the judge is serving.

8 (F) ~~-(b)-~~ A district court magistrate ~~—~~ IF THE MARRIAGE IS
9 SOLEMNIZED in the district in which the magistrate ~~-serves-~~ IS
10 SERVING.

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

17 (H) ~~-(d)-~~ A judge of probate ~~—~~ IF THE MARRIAGE IS
18 SOLEMNIZED in the county or probate court district in which the
19 judge is serving.

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

21 (J) ~~-(f)-~~ A mayor of a city ~~—~~ IF THE MARRIAGE IS
22 SOLEMNIZED in the city in which the mayor serves.

23 (K) ~~-(g)-~~ The county clerk of a county having more than
24 2,000,000 inhabitants or an employee of the clerk's office desig-
25 nated by the county clerk, IF THE MARRIAGE IS SOLEMNIZED in the
26 county in which the clerk serves.

1 (1) ~~(h)~~ A minister of the gospel, ~~anywhere in the state,~~
 2 if the minister is ordained or authorized to solemnize marriages
 3 according to the usages of the denomination ~~—~~ and is a pastor
 4 of a church in this state ~~—~~ or continues to preach the gospel
 5 in this state.

6 (M) ~~(i)~~ A minister of the gospel, ~~anywhere in the state,~~
 7 if the minister is not a resident of this state but is authorized
 8 to solemnize marriages under the laws of the state in which the
 9 minister resides.

10 (2) A person authorized by this act to solemnize a marriage
 11 shall keep proper records and make returns as required by section
 12 4 of Act No. 128 of the Public Acts of 1887, as amended, being
 13 section 551.104 of the Michigan Compiled Laws.

14 (3) If a mayor of a city solemnizes a marriage, the mayor
 15 shall charge and collect a fee to be determined by the council of
 16 that city. ~~—, which~~ THE FEE shall be paid to the city treasurer
 17 and deposited in the general fund of the city at the end of the
 18 month.

19 (4) If 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 solemnizes a marriage, the county clerk
 22 shall charge and collect a fee to be determined by the commis-
 23 sioners of that county. ~~—, which~~ THE FEE shall be paid to the
 24 county treasurer and deposited in the general fund of the county
 25 at the end of the month.

26 Sec. 16. A marriage solemnized before a person professing
 27 to be a ~~—district judge, common pleas court judge, district court~~

~~1 magistrate, municipal judge, judge of probate, judge of a federal~~
~~2 court, mayor, the county clerk of a county having more than~~
~~3 2,000,000 inhabitants or an employee of the county clerk desig-~~
~~4 nated by the clerk to solemnize marriages, or a minister of the~~
~~5 gospel shall not be considered or adjudged to be void, nor shall~~
6 PERSON AUTHORIZED TO SOLEMNIZE A MARRIAGE UNDER SECTION 7 IS NOT
7 VOID, AND the validity of the marriage ~~be~~ IS NOT affected ~~, on~~
8 ~~account of any want~~ FOR LACK of jurisdiction or authority in
9 ~~the supposed judge, magistrate, mayor, clerk, employee, or~~
10 ~~minister~~ THAT PERSON, if the marriage was consummated with a
11 full belief ~~on the part~~ BY 1 OR BOTH of the persons married ~~,~~
12 ~~or either of them,~~ that they were lawfully joined in marriage.