HOUSE BILL No. 5613

February 25, 1998, Introduced by Reps. Brater, Scott, Quarles, Hale, Brewer, Brackenridge, Crissman and Parks and referred to the Committee on Local Government.

A bill to amend 1846 RS 83, entitled

"Of marriage and the solemnization thereof,"

by amending sections 7 and 16 (MCL 551.7 and 551.16), section 7 as amended by 1983 PA 64.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7. (1) Marriages may be solemnized by any of the fol-
2 lowing PERSONS:
3 (a) A judge of the district court ―,― IF THE MARRIAGE IS
4 SOLEMNIZED in the district in which the judge is serving.
5 (b) A district court magistrate ―,― IF THE MARRIAGE IS
6 SOLEMNIZED in the district in which the magistrate ―serves― IS
7 SERVING.
8 (c) A municipal judge ―,― IF THE MARRIAGE IS SOLEMNIZED in
9 the city in which the judge is serving or in a township over
10 which a municipal court has jurisdiction pursuant to section 9928

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1 of ~~Act No. 236 of the Public Acts of 1961, being section~~

2 ~~600.9928 of the Michigan Compiled Laws~~ THE REVISED JUDICATURE

3 ACT OF 1961, 1961 PA 236, MCL 600.9928.

4   (d) A judge of probate ~~,~~ IF THE MARRIAGE IS SOLEMNIZED in

5 the county or probate court district in which the judge is

6 serving.

7   (e) A judge of a federal court.

8   (f) A mayor of a city ~~,~~ IF THE MARRIAGE IS SOLEMNIZED in

9 the city in which the mayor serves.

10   (g) ~~The~~ A county clerk ~~of a county having more than~~

11 ~~2,000,000 inhabitants~~ or an employee of the clerk's office des-

12 ignated by the county clerk ~~,~~ IF THE MARRIAGE IS SOLEMNIZED in

13 the county in which the clerk serves.

14   (h) A minister of the gospel, ~~anywhere in the state,~~ if

15 the minister is ordained or authorized to solemnize marriages

16 according to the usages of the denomination ~~,~~ and is a pastor

17 of a church in this state ~~,~~ or continues to preach the gospel

18 in this state.

19   (i) A minister of the gospel, ~~anywhere in the state,~~ if

20 the minister is not a resident of this state but is authorized to

21 solemnize marriages under the laws of the state in which the min-

22 ister resides.

23   (2) A person authorized by this act to solemnize a marriage

24 shall keep proper records and make returns as required by section

25 4 of ~~Act No. 128 of the Public Acts of 1887, as amended, being~~

26 ~~section 551.104 of the Michigan Compiled Laws~~ 1887 PA 128, MCL

27 551.104.

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1 (3) If a mayor of a city solemnizes a marriage, the mayor

2 shall charge and collect a fee to be determined by the council of

3 that city. ~~, which~~ THE FEE shall be paid to the city treasurer

4 and deposited in the general fund of the city at the end of the

5 month.

6 (4) If ~~the~~ A county clerk ~~of a county having more than~~

7 ~~2,000,000 inhabitants~~ or an employee of the clerk's office des-

8 ignated by the county clerk solemnizes a marriage, the county

9 clerk shall charge and collect a fee to be determined by the com-

10 missioners of that county. ~~, which~~ THE FEE shall be paid to the

11 county treasurer and deposited in the general fund of the county

12 at the end of the month.

13 Sec. 16. A marriage solemnized before a person professing

14 to be a ~~district judge, common pleas court judge, district court~~

15 ~~magistrate, municipal judge, judge of probate, judge of a federal~~

16 ~~court, mayor, the county clerk of a county having more than~~

17 ~~2,000,000 inhabitants or an employee of the county clerk desig-~~

18 ~~nated by the clerk to solemnize marriages, or a minister of the~~

19 ~~gospel shall not be considered or adjudged to be void, nor shall~~

20 PERSON AUTHORIZED TO SOLEMNIZE A MARRIAGE UNDER SECTION 7 IS NOT

21 VOID AND the validity of the marriage ~~be~~ IS NOT affected ~~, on~~

22 ~~account of any want~~ FOR LACK of jurisdiction or authority in

23 ~~the supposed judge, magistrate, mayor, clerk, employee, or~~

24 ~~minister~~ THAT PERSON, if the marriage was consummated with a

25 full belief ~~on the part~~ BY 1 OR BOTH of the persons married ~~,~~

26 ~~or either of them,~~ that they were lawfully joined in marriage.

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