**Revised Statutes of 1846 (EXCERPT)**
**Chapter 83. Of marriage and the solemnization thereof.**

## 551.1 Marriage between individuals of same sex as invalid contract.

Sec. 1. Marriage is inherently a unique relationship between a man and a woman. As a matter of public policy, this state has a special interest in encouraging, supporting, and protecting that unique relationship in order to promote, among other goals, the stability and welfare of society and its children. A marriage contracted between individuals of the same sex is invalid in this state.

**History:** Add. 1996, Act 324, Imd. Eff. June 26, 1996.

**Compiler's note:** Former MCL 551.1, which pertained to allowable age for contracting marriage, was repealed by Act 37 of 1951 , Eff. Sept. 28, 1951.

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## 551.2 Marriage as civil contract; consent; license; solemnization.

Sec. 2. So far as its validity in law is concerned, marriage is a civil contract between a man and a woman, to which the consent of parties capable in law of contracting is essential. Consent alone is not enough to effectuate a legal marriage on and after January 1, 1957. Consent shall be followed by obtaining a license as required by section 1 of Act No. 128 of the Public Acts of 1887, being section 551.101 of the Michigan Compiled Laws, or as provided for by section 1 of Act No. 180 of the Public Acts of 1897, being section 551.201 of the Michigan Compiled Laws, and solemnization as authorized by sections 7 to 18 of this chapter.

**History:** R.S. 1846, Ch. 83;—CL 1857, 3205;—CL 1871, 4720;—How. 6210;—CL 1897, 8589;—CL 1915, 11363;—CL 1929, 12691;—CL 1948, 551.2;—Am. 1956, Act 44, Eff. Aug. 11, 1956;—Am. 1996, Act 324, Imd. Eff. June 26, 1996.

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## 551.3 Incapacity; persons man prohibited from marrying.

Sec. 3. A man shall not marry his mother, sister, grandmother, daughter, granddaughter, stepmother, grandfather's wife, son's wife, grandson's wife, wife's mother, wife's grandmother, wife's daughter, wife's granddaughter, brother's daughter, sister's daughter, father's sister, mother's sister, or cousin of the first degree, or another man.

**History:** R.S. 1846, Ch. 83;—CL 1857, 3206;—CL 1871, 4721;—How. 6211;—CL 1897, 8590;—Am. 1903, Act 257, Eff. Sept. 17, 1903;—CL 1915, 11364;—CL 1929, 12692;—CL 1948, 551.3;—Am. 1996, Act 324, Imd. Eff. June 26, 1996.

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## 551.4 Incapacity; persons woman prohibited from marrying.

Sec. 4. A woman shall not marry her father, brother, grandfather, son, grandson, stepfather, grandmother's husband, daughter's husband, granddaughter's husband, husband's father, husband's grandfather, husband's son, husband's grandson, brother's son, sister's son, father's brother, mother's brother, or cousin of the first degree, or another woman.

**History:** R.S. 1846, Ch. 83;—CL 1857, 3207;—CL 1871, 4722;—How. 6212;—CL 1897, 8591;—Am. 1903, Act 257, Eff. Sept. 17, 1903;—CL 1915, 11365;—CL 1929, 12693;—CL 1948, 551.4;—Am. 1996, Act 324, Imd. Eff. June 26, 1996.

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## 551.5 Bigamy prohibited.

Sec. 5. No marriage shall be contracted whilst either of the parties has a former wife or husband living, unless the marriage with such former wife or husband, shall have been dissolved.

**History:** R.S. 1846, Ch. 83;—CL 1857, 3208;—CL 1871, 4723;—How. 6213;—CL 1897, 8592;—CL 1915, 11366;—CL 1929, 12694;—CL 1948, 551.5.

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## 551.6 Repealed. 2001, Act 9, Imd. Eff. May 29, 2001.

**Compiler's note:** The repealed section pertained to prohibition of certain marriages.

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**Chapter 83. Of marriage and the solemnization thereof.**


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### 551.7 Persons authorized to solemnize marriage; records; return of licenses and certificates; disposition of fees charged by mayor or county clerk.

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

(a) A judge of the district court, anywhere in this state.

(b) A district court magistrate, anywhere in this state.

(c) A municipal judge, in the city in which the judge is serving or in a township over which a municipal court has jurisdiction under section 9928 of the revised judicature act of 1961, 1961 PA 236, MCL 600.9928.

(d) A judge of probate, anywhere in this state.

(e) A judge of a federal court.

(f) A mayor of a city, anywhere in a county in which that city is located.

(g) A county clerk in the county in which the clerk serves, or in another county with the written authorization of the clerk of the other county.

(h) For a county having more than 1,500,000 inhabitants, an employee of the county clerk's office designated by the county clerk, in the county in which the clerk serves.

(i) A minister of the gospel or cleric or religious practitioner, anywhere in this state, if the minister or cleric or religious practitioner is ordained or authorized to solemnize marriages according to the usages of the denomination.

(j) A minister of the gospel or cleric or religious practitioner, anywhere in this state, if the minister or cleric or religious practitioner is not a resident of this state but is authorized to solemnize marriages under the laws of the state in which the minister or cleric or religious practitioner resides.

(2) A person authorized by this act to solemnize a marriage shall keep proper records and return licenses and certificates as required by section 4 of 1887 PA 128, MCL 551.104.

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

(4) If the county clerk or, in a county having more than 1,500,000 inhabitants, an employee of the clerk's office designated by the county clerk solemnizes a marriage, the county clerk shall charge and collect a fee to be determined by the commissioners of the county in which the clerk serves. The fee shall be paid to the treasurer for the county in which the clerk serves and deposited in the general fund of that county at the end of the month.

**History:** R.S. 1846, Ch. 83;—CL 1857, 3210;—CL 1871, 4725;—Am. 1873, Act 85, Eff. July 31, 1873;—How. 6215;—CL 1897, 8594;—Am. 1903, Act 139, Eff. Sept. 17, 1903;—Am. 1909, Act 235, Eff. Sept. 1, 1909;—CL 1915, 11368;—CL 1929, 12696;—Am. 1931, Act 28, Imd. Eff. Apr. 21, 1931;—Am. 1937, Act 42, Eff. Oct. 29, 1937;—CL 1948, 551.7;—Am. 1972, Act 211, Eff. July 1, 1972 ;—Am. 1975, Act 175, Imd. Eff. July 20, 1975;—Am. 1979, Act 24, Imd. Eff. June 6, 1979;—Am. 1983, Act 64, Imd. Eff. May 26, 1983 ;—Am. 2006, Act 419, Imd. Eff. Sept. 29, 2006;—Am. 2006, Act 613, Imd. Eff. Jan. 3, 2007;—Am. 2008, Act 47, Imd. Eff. Mar. 27, 2008;—Am. 2012, Act 265, Imd. Eff. July 3, 2012;—Am. 2014, Act 278, Imd. Eff. July 2, 2014.

**Revised Statutes of 1846 (EXCERPT)**

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### 551.8 Repealed. 1983, Act 64, Imd. Eff. May 26, 1983.

**Compiler's note:** The repealed section pertained to examination of parties on oath.

**Revised Statutes of 1846 (EXCERPT)**

**Chapter 83. Of marriage and the solemnization thereof.**

### 551.9 Solemnization of marriage; form; declaration by parties; witnesses.

Sec. 9. In the solemnization of marriage, no particular form shall be required, except that the parties shall solemnly declare, in the presence of the person solemnizing the marriage and the attending witnesses, that they take each other as husband and wife; and in every case, there shall be at least 2 witnesses, besides the person solemnizing the marriage, present at the ceremony.

**History:** R.S. 1846, Ch. 83;—CL 1857, 3212;—CL 1871, 4727;—How. 6217;—CL 1897, 8596;—CL 1915, 11370;—CL 1929, 12698;—CL 1948, 551.9;—Am. 1972, Act 211, Eff. July 1, 1972.

**Revised Statutes of 1846 (EXCERPT)**

**Chapter 83. Of marriage and the solemnization thereof.**

### 551.14 Unlawful marriage by person authorized to solemnize marriage; penalty.

Sec. 14. If a person authorized to solemnize marriages knowingly joins any persons in marriage contrary to the provisions of this chapter, he or she shall forfeit for each offense a sum not exceeding $500.00.


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**History:** R.S. 1846, Ch. 83;—CL 1857, 3217;—CL 1871, 4728;—How. 6218;—CL 1897, 8597;—CL 1915, 11371;—CL 1929, 12699;—CL 1948, 551.14;—Am. 1972, Act 211, Eff. July 1, 1972;—Am. 1983, Act 64, Imd. Eff. May 26, 1983.

**Revised Statutes of 1846 (EXCERPT)**
**Chapter 83. Of marriage and the solemnization thereof.**

### 551.15 Ceremony performance with knowledge of lack of authority or legal impediment; penalty.

Sec. 15. If any person shall undertake to join others in marriage, knowing that he is not lawfully authorized so to do, or knowing of any legal impediment to the proposed marriage, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail not more than 1 year, or by a fine not less than 50 nor more than 500 dollars, or by both such fine and imprisonment, in the discretion of the court.

**History:** R.S. 1846, Ch. 83;—CL 1857, 3218;—CL 1871, 4729;—How. 6219;—CL 1897, 8598;—CL 1915, 11372;—CL 1929, 12700;—CL 1948, 551.15.

**Revised Statutes of 1846 (EXCERPT)**
**Chapter 83. Of marriage and the solemnization thereof.**

### 551.16 Want of jurisdiction or authority to solemnize marriage; affect on marriage.

Sec. 16. A marriage solemnized before an individual professing to be a district judge, common pleas court judge, district court magistrate, municipal judge, judge of probate, judge of a federal court, mayor, the county clerk or, in a county having more than 2,000,000 inhabitants, an employee of the county clerk designated by the clerk to solemnize marriages, or a minister of the gospel or cleric or religious practitioner shall not be considered or adjudged to be void, nor shall the validity of the marriage be affected, on account of a want of jurisdiction or authority by that individual if the marriage was consummated with a full belief on the part of the individuals married, or either of them, that they were lawfully joined in marriage.

**History:** R.S. 1846, Ch. 83;—CL 1857, 3219;—CL 1871, 4730;—How. 6220;—CL 1897, 8599;—CL 1915, 11373;—CL 1929, 12701;—CL 1948, 551.16;—Am. 1972, Act 211, Eff. July 1, 1972;—Am. 1975, Act 175, Imd. Eff. July 20, 1975;—Am. 1979, Act 24, Imd. Eff. June 6, 1979;—Am. 2006, Act 419, Imd. Eff. Sept. 29, 2006.

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### 551.17 Denominational modes of solemnization; effect of chapter.

Sec. 17. The preceding provisions of this chapter, so far as they relate to the manner of solemnizing marriages, shall not affect marriages among the people called Friends or Quakers; nor marriages among people of any other particular denomination, having, as such, any peculiar mode of solemnizing marriages; but such marriages may be solemnized in the manner heretofore used and practiced in their respective societies or denominations.

**History:** R.S. 1846, Ch. 83;—CL 1857, 3220;—CL 1871, 4731;—How. 6221;—CL 1897, 8600;—CL 1915, 11374;—CL 1929, 12702;—CL 1948, 551.17.

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### 551.18 Certificates and records of marriage as evidence.

Sec. 18. The original certificates and records of marriage made by the person solemnizing the marriage as prescribed in this chapter, and the record thereof made by the county clerk, or a copy of such record duly certified by such clerk, shall be received in all courts and places, as presumptive evidence of the fact of the marriage.

**History:** R.S. 1846, Ch. 83;—CL 1857, 3221;—CL 1871, 4732;—How. 6222;—CL 1897, 8601;—CL 1915, 11375;—CL 1929, 12703;—CL 1948, 551.18;—Am. 1972, Act 211, Eff. July 1, 1972.


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