

HOUSE BILL No. 4086

February 1, 2005, Introduced by Reps. Taub, Stakoe and Amos and referred to the
Committee on Judiciary.

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
2 following:

3 (a) A judge of the district court, in the district in which
4 the judge is serving.

5 (b) A district court magistrate, in the district in which the
6 magistrate serves.

7 (c) A municipal judge, in the city in which the judge is

1 serving or in a township over which a municipal court has
2 jurisdiction ~~pursuant~~ **ACCORDING** to section 9928 of ~~Act No. 236~~
3 ~~of the Public Acts of 1961, being section 600.9928 of the Michigan~~
4 ~~Compiled Laws~~ **THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL**
5 **600.9928.**

6 (d) A judge of probate, in the county or probate court
7 district in which the judge is serving.

8 (e) A judge of a federal court.

9 (f) A mayor of a city, in the city in which the mayor serves.

10 (g) The county clerk of a county ~~having more than 2,000,000~~
11 ~~inhabitants~~ or an employee of the clerk's office designated by the
12 county clerk, in the county in which the clerk serves.

13 (h) A minister of the gospel, anywhere in the state, if the
14 minister is ordained or authorized to solemnize marriages according
15 to the usages of the denomination, and is a pastor of a church in
16 this state, or continues to preach the gospel in this state.

17 (i) A minister of the gospel, anywhere in the state, if the
18 minister is not a resident of this state but is authorized to
19 solemnize marriages under the laws of the state in which the
20 minister resides.

21 (2) A person authorized by this act to solemnize a marriage
22 shall keep proper records and make returns as required by section 4
23 of ~~Act No. 128 of the Public Acts of 1887, as amended, being~~
24 ~~section 551.104 of the Michigan Compiled Laws~~ **1887 PA 128, MCL**
25 **551.104.**

26 (3) If a mayor of a city solemnizes a marriage, the mayor
27 shall charge and collect a fee to be determined by the council of

1 that city, which shall be paid to the city treasurer and deposited
2 in the general fund of the city at the end of the month.

3 (4) If the county clerk of a county ~~having more than~~
4 ~~2,000,000 inhabitants~~ or an employee of the clerk's office
5 designated by the county clerk solemnizes a marriage, the county
6 clerk shall charge and collect a fee to be determined by the
7 commissioners of that county, which shall be paid to the county
8 treasurer and deposited in the general fund of the county at the
9 end of the month.

10 Sec. 16. A marriage solemnized before ~~a person~~ **AN INDIVIDUAL**
11 professing to be a district judge, common pleas court judge,
12 district court magistrate, municipal judge, judge of probate, judge
13 of a federal court, **OR** mayor, the county clerk of a county ~~having~~
14 ~~more than 2,000,000 inhabitants~~ or an employee of the county clerk
15 designated by the clerk to solemnize marriages, or a minister of
16 the gospel shall not be considered or adjudged to be void, nor
17 shall the validity of the marriage be affected, on account of ~~any~~
18 **A** want of jurisdiction or authority ~~in the supposed judge,~~
19 ~~magistrate, mayor, clerk, employee, or minister~~ **BY THAT INDIVIDUAL**
20 if the marriage was consummated with a full belief on the part of
21 the ~~persons~~ **INDIVIDUALS** married, or either of them, that they
22 were lawfully joined in marriage.