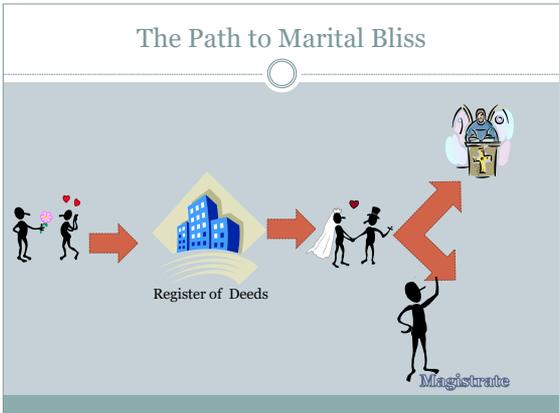




Marriage

1



2

Checklist #1: Before the Ceremony

Marriage License

Name of Groom:

Name of Bride:

Date: Signed by ROD:

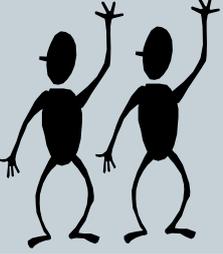
3

Checklist #1: Before the Ceremony

Marriage License

Name of Groom: ✓
Name of Bride: ✓
Date: ✓ Signed by ROD: ✓

Witnesses?



7

Answer

• Q: Can children under the age of seven serve as witnesses to a marriage?



• To serve as a witness, a person must be capable of testifying that he or she was present at the ceremony and of signing the certificate. Thus being a minor does not prevent a person from being a witness, so long as the person can understand and remember what they observe.

8

Checklist #1: Before the Ceremony

Marriage License

Name of Groom: ✓
Name of Bride: ✓
Date: ✓ Signed by ROD: ✓

Witnesses? ✓



9



You perform the ceremony, but when you request payment of the \$20 fee, the couple tells you that they have only \$10 between them. What do you do?

10

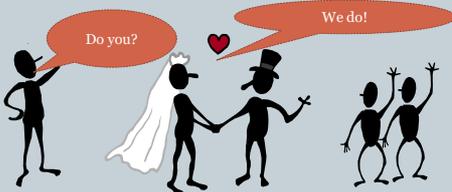
Summing Up

- Check names to be sure they match those on license.
- Check to be sure license is filled out and signed by ROD.
- Check to be sure license was issued within 60 days.
- Verify presence of two witnesses.
- Collect \$50 (first).

11

(Really, Really Short) Checklist #2: The Ceremony

Parties must express consent “freely, seriously, & plainly,” in the presence of each other, and in the presence of the magistrate.



Do you?

We do!

12

Officiant must declare parties to be married.



13

Discussion

If parties present a valid marriage license, are accompanied by two competent witnesses, and are prepared to pay the fee, are there any circumstances under which you might nevertheless refuse to marry them?



14



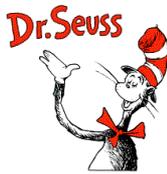
If a magistrate has reason to believe that either of the parties is not capable of “freely, seriously, and plainly” consenting to the marriage, the magistrate should refuse to perform the ceremony. Examples are intoxication and coercion.



15

Their Ways Are Not Our Ways . . .

Pastor: Then if you'll take her as your wife,
 And if you'll love her all your life,
 And if you'll have, and if you'll hold,
 From now until the stars grow cold,
 And if you'll love through good and bad,
 And whether you're happy or sad,
 And love in sickness, and in health,
 And when you're poor, and when in wealth,
 And if you'll love with all your heart,
 From now until death do you part,
 Yes, if you'll love her through and through,
 Please answer with these words:



Pastor and Groom: I DO!

Pastor: You're married now! So kiss the bride,
 But please, do keep it dignified.

16

What do you do?

1. Perform the ceremony as requested
2. Give a little lecture about how they really should take their marriage vows more seriously
3. Require them to select a ceremony from those you have available
4. Refuse to perform the ceremony

17

Their ways are not my ways. . .

- So long as a ceremony meets the statutory requirements requiring each person to agree to be married and gives you an opportunity to declare that they are married, the particular words do not matter from a legal point of view.



18

♪ "Ain't no mountain high enough. . ." ♪

Must a magistrate learn to skydive to perform a marriage?



Is a magistrate required to climb a mountain to perform a marriage?



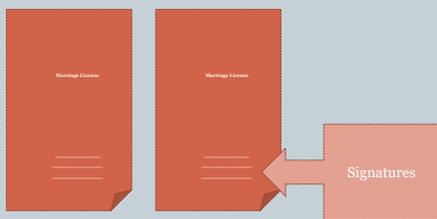
Maybe learn to scuba dive?

19



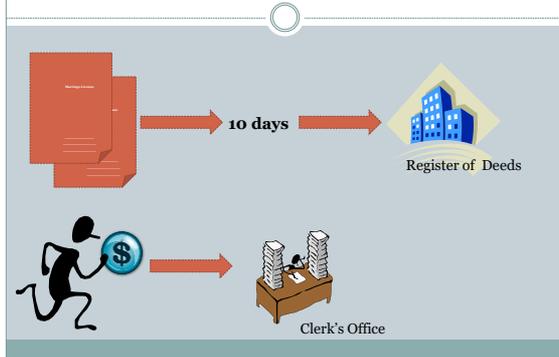
20

Checklist #3: After the Ceremony



21

Checklist #3: After the Ceremony



22

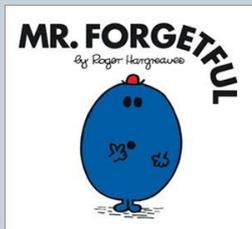
Example: A couple from Hoke County asks you, a magistrate in Lee County, if you would be willing to marry them in beautiful Richmond County, at the Rockingham Speedway.



23

What if I forget?

What is the consequence of failing to return the license, returning an unsigned certificate, or marrying a couple without a license?



24

What if you forget?

1. The marriage is invalid.
2. The marriage is voidable– that is, it might be declared invalid if challenged.
3. The marriage is valid, but the magistrate must pay a \$200 fine.

25

FAQs

Q: What is the consequence of failing to return the license, or marrying a couple without a license?

\$200 Fine

26