

1 **Chapter 51.**

2 **Marriage.**

3 **Article 1.**

4 **General Provisions.**

5 **§ 51-1. Requisites of marriage; solemnization.**

6 A valid and sufficient marriage is created by the consent of a male and female person who
7 may lawfully marry, presently to take each other as husband and wife, freely, seriously and
8 plainly expressed by each in the presence of the other, either:

- 9 (1) a. In the presence of an ordained minister of any religious
10 denomination, a minister authorized by a church, or a magistrate; and
11 b. With the consequent declaration by the minister or magistrate that the
12 persons are husband and wife; or
13 (2) In accordance with any mode of solemnization recognized by any religious
14 denomination, or federally or State recognized Indian Nation or Tribe.

15 Marriages solemnized before March 9, 1909, by ministers of the gospel licensed, but not
16 ordained, are validated from their consummation. (1871-2, c. 193, s. 3; Code, s. 1812; Rev., s.
17 2081; 1908, c. 47; 1909, c. 704, s. 2; c. 897; C.S., s. 2493; 1945, c. 839; 1965, c. 152; 1971, c.
18 1185, s. 26; 1977, c. 592, s. 1; 2000-58, ss. 1, 2; 2001-14, ss. 1, 2; 2001-62, ss. 1, 17; 2002-115,
19 ss. 5, 6; 2002-159, s. 13(a); 2003-4, s. 1; 2005-56, s. 1; 2007-61, s. 1; 2009-13, s. 1.)
20

21 **§ 51-1.1. Certain marriages performed by ministers of Universal Life Church validated.**

22 Any marriages performed by ministers of the Universal Life Church prior to July 3, 1981,
23 are validated, unless they have been invalidated by a court of competent jurisdiction, provided
24 that all other requirements of law have been met and the marriages would have been valid if
25 performed by an official authorized by law to perform wedding ceremonies. (1981, c. 797.)
26

27 **§ 51-1.2. Marriages between persons of the same gender not valid.**

28 Marriages, whether created by common law, contracted, or performed outside of North
29 Carolina, between individuals of the same gender are not valid in North Carolina. (1995 (Reg.
30 Sess., 1996), c. 588, s. 1.)
31

32 **§ 51-2. Capacity to marry.**

33 (a) All unmarried persons of 18 years, or older, may lawfully marry, except as
34 hereinafter forbidden.

35 (a1) Persons over 16 years of age and under 18 years of age may marry, and the register
36 of deeds may issue a license for the marriage, only after there shall have been filed with the
37 register of deeds a written consent to the marriage, said consent having been signed by the
38 appropriate person as follows:

- 39 (1) By a parent having full or joint legal custody of the underage party; or
40 (2) By a person, agency, or institution having legal custody or serving as a
41 guardian of the underage party.

42 Such written consent shall not be required for an emancipated minor if a certificate of
43 emancipation issued pursuant to Article 35 of Chapter 7B of the General Statutes or a certified
44 copy of a final decree or certificate of emancipation from this or any other jurisdiction is filed
45 with the register of deeds.

46 (b) Persons over 14 years of age and under 16 years of age may marry as provided in
47 G.S. 51-2.1.

48 (b1) It shall be unlawful for any person under 14 years of age to marry.

49 (c) When a license to marry is procured by any person under 18 years of age by fraud
50 or misrepresentation, a parent of the underage party, a person, agency, or institution having
51 legal custody or serving as a guardian of the underage party, or a guardian ad litem appointed to

1 represent the underage party pursuant to G.S. 51-2.1(b) is a proper party to bring an action to
2 annul the marriage. (R.C., c. 68, s. 14; 1871-2, c. 193; Code, s. 1809; Rev., s. 2082; C.S., s.
3 2494; 1923, c. 75; 1933, c. 269, s. 1; 1939, c. 375; 1947, c. 383, s. 2; 1961, c. 186; 1967, c. 957,
4 s. 1; 1969, c. 982; 1985, c. 608; 1998-202, s. 13(s); 2001-62, s. 2; 2001-487, s. 60.)

5
6 **§ 51-2.1. Marriage of certain underage parties.**

7 (a) If an unmarried female who is more than 14 years of age, but less than 16 years of
8 age, is pregnant or has given birth to a child and the unmarried female and the putative father of
9 the child, either born or unborn, agree to marry, or if an unmarried male who is more than 14
10 years of age, but less than 16 years of age, is the putative father of a child, either born or
11 unborn, and the unmarried male and the mother of the child agree to marry, the register of
12 deeds is authorized to issue to the parties a license to marry; and it shall be lawful for them to
13 marry in accordance with the provisions of this Chapter, only after a certified copy of an order
14 issued by a district court authorizing the marriage is filed with the register of deeds. A district
15 court judge may issue an order authorizing a marriage under this section only upon finding as
16 fact and concluding as a matter of law that the underage party is capable of assuming the
17 responsibilities of marriage and the marriage will serve the best interest of the underage party.
18 In determining whether the marriage will serve the best interest of an underage party, the
19 district court shall consider the following:

- 20 (1) The opinion of the parents of the underage party as to whether the marriage
21 serves the best interest of the underage party.
22 (2) The opinion of any person, agency, or institution having legal custody or
23 serving as a guardian of the underage party as to whether the marriage serves
24 the best interest of the underage party.
25 (3) The opinion of the guardian ad litem appointed to represent the best interest
26 of the underage party pursuant to G.S. 51-2.1(b) as to whether the marriage
27 serves the best interest of the underage party.
28 (4) The relationship between the underage party and the parents of the underage
29 party, as well as the relationship between the underage party and any person
30 having legal custody or serving as a guardian of the underage party.
31 (5) Any evidence that it would find useful in making its determination.

32 There shall be a rebuttable presumption that the marriage will not serve the best interest of
33 the underage party when all living parents of the underage party oppose the marriage. The fact
34 that the female is pregnant, or has given birth to a child, alone does not establish that the best
35 interest of the underage party will be served by the marriage.

36 (b) An underage party seeking an order granting judicial authorization to marry
37 pursuant to this section shall file a civil action in the district court requesting judicial
38 authorization to marry. The clerk shall collect court costs from the underage party in the
39 amount set forth in G.S. 7A-305 for civil actions in district court. Upon the filing of the
40 complaint, summons shall be issued in accordance with G.S. 1A-1, Rule 4, and the underage
41 party shall be appointed a guardian ad litem in accordance with the provisions of G.S. 1A-1,
42 Rule 17. The guardian ad litem appointed shall be an attorney and shall be governed by the
43 provisions of subsection (d) of this section. The underage party shall serve a copy of the
44 summons and complaint, in accordance with G.S. 1A-1, Rule 4, on the father of the underage
45 party; the mother of the underage party; and any person, agency, or institution having legal
46 custody or serving as a guardian of the underage party. The underage party also shall serve a
47 copy of the complaint, either in accordance with G.S. 1A-1, Rule 4, or G.S. 1A-1, Rule 5, on
48 the guardian ad litem appointed pursuant to this section. A party responding to the underage
49 party's complaint shall serve his response within 30 days after service of the summons and
50 complaint upon that person. The underage party may participate in the proceedings before the
51 court on his or her own behalf. At the hearing conducted pursuant to this section, the court shall

1 consider evidence, as provided in subsection (a) of this section, and shall make written findings
2 of fact and conclusions of law.

3 (c) Any party to a proceeding under this section may be represented by counsel, but no
4 party is entitled to appointed counsel, except as provided in this section.

5 (d) The guardian ad litem appointed pursuant to subsection (b) of this section shall
6 represent the best interest of the underage party in all proceedings under this section and also
7 has standing to institute an action under G.S. 51-2(c). The appointment shall terminate when
8 the last judicial ruling rendering the authorization granted or denied is entered. Payment of the
9 guardian ad litem shall be governed by G.S. 7A-451(f). The guardian ad litem shall make an
10 investigation to determine the facts, the needs of the underage party, the available resources
11 within the family and community to meet those needs, the impact of the marriage on the
12 underage party, and the ability of the underage party to assume the responsibilities of marriage;
13 facilitate, when appropriate, the settlement of disputed issues; offer evidence and examine
14 witnesses at the hearing; and protect and promote the best interest of the underage party. In
15 fulfilling the guardian ad litem's duties, the guardian ad litem shall assess and consider the
16 emotional development, maturity, intellect, and understanding of the underage party. The
17 guardian ad litem has the authority to obtain any information or reports, whether or not
18 confidential, that the guardian ad litem deems relevant to the case. No privilege other than
19 attorney-client privilege may be invoked to prevent the guardian ad litem and the court from
20 obtaining such information. The confidentiality of the information or reports shall be respected
21 by the guardian ad litem, and no disclosure of any information or reports shall be made to
22 anyone except by order of the court or unless otherwise provided by law.

23 (e) If the last judicial ruling in this proceeding denies the underage party judicial
24 authorization to marry, the underage party shall not seek the authorization of any court again
25 under this section until after one year from the date of the entry of the last judicial ruling
26 rendering the authorization denied.

27 (f) Except as otherwise provided in this section, the rules of evidence in civil cases
28 shall apply to proceedings under this section. All hearings pursuant to this section shall be
29 recorded by stenographic notes or by electronic or mechanical means. Notwithstanding any
30 other provision of law, no appeal of right lies from an order or judgment entered pursuant to
31 this section. (2001-62, s. 3.)
32

33 **§ 51-2.2. Parent includes adoptive parent.**

34 As used in this Article, the terms "parent", "father", or "mother" includes one who has
35 become a parent, father, or mother, respectively, by adoption. (2001-62, s. 4.)
36

37 **§ 51-3. Want of capacity; void and voidable marriages.**

38 All marriages between any two persons nearer of kin than first cousins, or between double
39 first cousins, or between a male person under 16 years of age and any female, or between a
40 female person under 16 years of age and any male, or between persons either of whom has a
41 husband or wife living at the time of such marriage, or between persons either of whom is at
42 the time physically impotent, or between persons either of whom is at the time incapable of
43 contracting from want of will or understanding, shall be void. No marriage followed by
44 cohabitation and the birth of issue shall be declared void after the death of either of the parties
45 for any of the causes stated in this section except for bigamy. No marriage by persons either of
46 whom may be under 16 years of age, and otherwise competent to marry, shall be declared void
47 when the girl shall be pregnant, or when a child shall have been born to the parties unless such
48 child at the time of the action to annul shall be dead. A marriage contracted under a
49 representation and belief that the female partner to the marriage is pregnant, followed by the
50 separation of the parties within 45 days of the marriage which separation has been continuous
51 for a period of one year, shall be voidable unless a child shall have been born to the parties

1 within 10 lunar months of the date of separation. (R.C., c. 68, ss. 7, 8, 9; 1871-2, c. 193, s. 2;
2 Code, s. 1810; 1887, c. 245; Rev., s. 2083; 1911, c. 215, s. 2; 1913, c. 123; 1917, c. 135; C.S.,
3 s. 2495; 1947, c. 383, s. 3; 1949, c. 1022; 1953, c. 1105; 1961, c. 367; 1977, c. 107, s. 1.)
4

5 **§ 51-3.1. Interracial marriages validated.**

6 All interracial marriages that were declared void by statute or a court of competent
7 jurisdiction prior to March 24, 1977, are hereby validated. The parties to such interracial
8 marriages are deemed to be lawfully married, provided that the provisions of this Chapter have
9 been complied with. (1977, c. 107, s. 2.)
10

11 **§ 51-3.2. Marriage licensed and solemnized by a federally recognized Indian Nation or**
12 **Tribe.**

13 (a) Subject to the restriction provided in subsection (b), a marriage between a man and
14 a woman licensed and solemnized according to the law of a federally recognized Indian Nation
15 or Tribe shall be valid and the parties to the marriage shall be lawfully married.

16 (b) When the law of a federally recognized Indian Nation or Tribe allows persons to
17 obtain a marriage license from the register of deeds and the parties to a marriage do so, Chapter
18 51 of the General Statutes shall apply and the marriage shall be valid only if the issuance of the
19 license and the solemnization of the marriage is conducted in compliance with this Chapter.
20 (2001-62, s. 5.)
21

22 **§ 51-4. Prohibited degrees of kinship.**

23 When the degree of kinship is estimated with a view to ascertain the right of kinspeople to
24 marry, the half-blood shall be counted as the whole-blood: Provided, that nothing herein
25 contained shall be so construed as to invalidate any marriage heretofore contracted in case
26 where by counting the half-blood as the whole-blood the persons contracting such marriage
27 would be nearer of kin than first cousins; but in every such case the kinship shall be ascertained
28 by counting relations of the half-blood as being only half so near kin as those of the same
29 degree of the whole-blood (1879, c. 78; Code, s. 1811; Rev., s. 2084; C.S., s. 2496.)
30

31 **§ 51-5. Marriages between slaves validated.**

32 Persons, both or one of whom were formerly slaves, who have complied with the provisions
33 of section five, Chapter 40, of the acts of the General Assembly, ratified March 10, 1866, shall
34 be deemed to have been lawfully married. (1866, c. 40, s. 5; Code, s. 1842; Rev., s. 2085; C.S.,
35 s. 2497.)
36

37 Article 2.

38 Marriage Licenses.

39 **§ 51-6. Solemnization without license unlawful.**

40 No minister, officer, or any other person authorized to solemnize a marriage under the laws
41 of this State shall perform a ceremony of marriage between a man and woman, or shall declare
42 them to be husband and wife, until there is delivered to that person a license for the marriage of
43 the said persons, signed by the register of deeds of the county in which the marriage license
44 was issued or by a lawful deputy or assistant. There must be at least two witnesses to the
45 marriage ceremony.

46 Whenever a man and woman have been lawfully married in accordance with the laws of the
47 state in which the marriage ceremony took place, and said marriage was performed by a
48 magistrate or some other civil official duly authorized to perform such ceremony, and the
49 parties thereafter wish to confirm their marriage vows before an ordained minister or minister
50 authorized by a church, or in a ceremony recognized by any religious denomination, federally
51 or State recognized Indian Nation or Tribe, nothing herein shall be deemed to prohibit such

1 confirmation ceremony; provided, however, that such confirmation ceremony shall not be
2 deemed in law to be a marriage ceremony, such confirmation ceremony shall in no way affect
3 the validity or invalidity of the prior marriage ceremony performed by a civil official, no
4 license for such confirmation ceremony shall be issued by a register of deeds, and no record of
5 such confirmation ceremony may be kept by a register of deeds. (1871-2, c. 193, s. 4; Code, s.
6 1813; Rev., s. 2086; C.S., s. 2498; 1957, c. 1261; 1959, c. 338; 1967, c. 957, ss. 6, 9; 1977, c.
7 592, s. 2; 2001-62, s. 6.)

8
9 **§ 51-7. Penalty for solemnizing without license.**

10 Every minister, officer, or any other person authorized to solemnize a marriage under the
11 laws of this State, who marries any couple without a license being first delivered to that person,
12 as required by law, or after the expiration of such license, or who fails to return such license to
13 the register of deeds within 10 days after any marriage celebrated by virtue thereof, with the
14 certificate appended thereto duly filled up and signed, shall forfeit and pay two hundred dollars
15 (\$200.00) to any person who sues therefore, and shall also be guilty of a Class 1 misdemeanor.
16 (R.C., c. 68, ss. 6, 13; 1871-2, c. 193, s. 8; Code, s. 1817; Rev., ss. 2087, 3372; C.S., s. 2499;
17 1953, c. 638, s. 1; 1967, c. 957, s. 5; 1993, c. 539, s. 415; 1994, Ex. Sess., c. 24, s. 14(c);
18 2001-62, s. 7.)

19
20 **§ 51-8. License issued by register of deeds.**

21 Every register of deeds shall, upon proper application, issue a license for the marriage of
22 any two persons who are able to answer the questions regarding age, marital status, and
23 intention to marry, and, based on the answers, the register of deeds determines the persons are
24 authorized to be married in accordance with the laws of this State. In making a determination as
25 to whether or not the parties are authorized to be married under the laws of this State, the
26 register of deeds may require the applicants for the license to marry to present certified copies
27 of birth certificates or such other evidence as the register of deeds deems necessary to the
28 determination. The register of deeds may administer an oath to any person presenting evidence
29 relating to whether or not parties applying for a marriage license are eligible to be married
30 pursuant to the laws of this State. Each applicant for a marriage license shall provide on the
31 application the applicant's social security number. If an applicant does not have a social
32 security number and is ineligible to obtain one, the applicant shall present a statement to that
33 effect, sworn to or affirmed before an officer authorized to administer oaths. Upon presentation
34 of a sworn or affirmed statement, the register of deeds shall issue the license, provided all other
35 requirements are met, and retain the statement with the register's copy of the license. The
36 register of deeds shall not issue a marriage license unless all of the requirements of this section
37 have been met. (1871-2, c. 193, s. 5; Code, s. 1814; 1887, c. 331; Rev., s. 2088; C.S., s. 2500;
38 1957, c. 506, s. 1; 1967, c. 957, s. 2; 1997-433, s. 4.5; 1998-17, s. 1; 1999-375, s. 1; 2001-62, s.
39 8; 2002-159, s. 14.)

40
41 **§ 51-8.1. Repealed by Session Laws 1967, c. 53.**

42
43 **§ 51-8.2. Issuance of marriage license when applicant is unable to appear.**

44 If an applicant for a marriage license is over 18 years of age and is unable to appear in
45 person at the register of deeds' office, the other party to the planned marriage must appear in
46 person on behalf of the applicant and submit a sworn and notarized affidavit in lieu of the
47 absent applicant's personal appearance.

48 The affidavit shall be in the following or some equivalent form:

49 _____, [applicant] appearing before the undersigned notary and being duly sworn,
50 says that:

1 1. I, _____, [applicant's name] am applying for a license in _____ County, North
2 Carolina, to marry _____ [name of other applicant] in North Carolina within the next
3 60 days and I am authorized under G.S. 51-8.2 to complete this Affidavit in Lieu of
4 Personal Appearance for Marriage License Application.

5 I attach: (1) documentation that I am over 18 years of age as required in county of
6 issuance; and (2) documentation of divorce as required by county of issuance.

7 2. I submit the following information in applying for a marriage license:

8 Name: _____

9 First Middle Last

10 Residence: _____

11 State County City or Town

12 _____
13 Street and Number

14 Inside City Limits (Yes or No): _____

15 Birthplace: _____

16 County & State or Country

17 Birth Date: _____ Age: _____

18 Father: _____

19 Name State of Birth

20 _____
21 Address (if living) or Deceased

22 Mother: _____

23 Name State of Birth

24 _____
25 Address (if living) or Deceased

26 Race (Optional): _____

27 Number of this marriage: 1st, 2nd, etc. _____

28 Last Marriage Ended by: _____

29 Death, Divorce, Annulment

30 Date Marriage Ended: _____

31 Specify Highest Grade Completed in School (Optional): _____

32 Social Security # _____ (If applicant does not have Social Security number,
33 attach affidavit of ineligibility)

34 I hereby make application to the Register of Deeds for a Marriage License and solemnly
35 swear that all of the statements contained in the above application are true and I further
36 make oath that there is no legal impediment to such marriage.

37 _____
38 Signature of Applicant

39 Sworn to (or affirmed) and subscribed before me this _____ day of _____,
40 _____.

41 _____
42 [Seal] Notary Public

43 My commission expires: _____

44 _____
45 [Notary's typed or printed name].

46 (2001-62, s. 9.)

47
48 **§§ 51-9 through 51-11: Repealed by Session Laws 1994, c. 647, ss. 1-3.**

49
50 **§ 51-12: Repealed by Session Laws 1985, c. 589, s. 27.**

51

1 § 51-13: Repealed by Session Laws 1994, c. 647, s. 4.

2
3 § 51-14. Repealed by Session Laws 1967, c. 957, s. 3.

4
5 § 51-15. Obtaining license by false representation misdemeanor.

6 If any person shall obtain, or aid and abet in obtaining, a marriage license by
7 misrepresentation or false pretenses, that person shall be guilty of a Class 1 misdemeanor.
8 (1885, c. 346; Rev., s. 3371; C.S., s. 2501; 1967, c. 957, s. 4; 1993, c. 539, s. 417; 1994, Ex.
9 Sess., c. 24, s. 14(c); 2001-62, s. 10.)

10
11 § 51-16. Form of license.

12 License shall be in the following or some equivalent form:

13 To any ordained minister of any religious denomination, minister authorized by a church,
14 any magistrate, or any other person authorized to solemnize a marriage under the laws of this
15 State: A.B. having applied to me for a license for the marriage of C.D. (the name of the man to
16 be written in full) of (here state his residence), aged ____ years (race, as the case may be), the
17 son of (here state the father and mother, if known; state whether they are living or dead, and
18 their residence, if known; if any of these facts are not known, so state), and E.F. (write the
19 name of the woman in full) of (here state her residence), aged ____ years (race, as the case may
20 be), the daughter of (here state names and residences of the parents, if known, as is required
21 above with respect to the man). (If either of the parties is under 18 years of age, the license
22 shall here contain the following:) And the written consent of G.H., father (or mother, etc., as
23 the case may be) to the proposed marriage having been filed with me, and there being no legal
24 impediment to such marriage known to me, you are hereby authorized, at any time within 60
25 days from the date hereof, to celebrate the proposed marriage at any place within the State. You
26 are required within 10 days after you shall have celebrated such marriage, to return this license
27 to me at my office with your signature subscribed to the certificate under this license, and with
28 the blanks therein filled according to the facts, under penalty of forfeiting two hundred dollars
29 (\$200.00) to the use of any person who shall sue for the same.

30 Issued this ____ day of _____, _____

31 _____ L.M.

32 Register of Deeds of ____ County

33 Every register of deeds shall, at the request of an applicant, designate in a marriage license
34 issued the race of the persons proposing to marry by inserting in the blank after the word "race"
35 the words "white," "black," "African-American," "American Indian," "Alaska Native," "Asian
36 Indian," "Chinese," "Filipino," "Japanese," "Korean," "Vietnamese," "Other Asian," "Native
37 Hawaiian," "Guamarian," "Chamorro," "Samoan," "Other Pacific Islander," "Mexican,"
38 "Mexican-American," "Chicano," "Puerto Rican," "Cuban," "Other Spanish/Hispanic/Latino,"
39 or "other," as the case may be. The certificate shall be filled out and signed by the minister,
40 officer, or other authorized individual celebrating the marriage, and also be signed by two
41 witnesses present at the marriage, who shall add to their names their place of residence, as
42 follows:

43 I, N.O., an ordained or authorized minister or other authorized individual of (here state to
44 what religious denomination, or magistrate, as the case may be), united in matrimony (here
45 name the parties), the parties licensed above, on the ____ day of _____, ____, at the house of
46 P.R., in (here name the town, if any, the township and county), according to law.

47 _____ N.O.

48 Witness present at the marriage:

49 S.T., of (here give residence).

1 (1871-2, c. 193, s. 6; Code, s. 1815; 1899, c. 541, ss. 1, 2; Rev., s. 2089; 1909, c. 704, s. 3;
2 1917, c. 38; C.S., s. 2502; 1953, c. 638, s. 2; 1967, c. 957, s. 7; 1971, c. 1072; c. 1185, s. 27;
3 1999-456, s. 59; 2001-62, s. 11.)
4

5 **§ 51-16.1. Form of license for Address Confidentiality Program participant.**

6 If a person submits to the local register of deeds a current and valid Address Confidentiality
7 Program authorization card issued pursuant to the provisions of Chapter 15C of the General
8 Statutes, the local register of deeds shall use the substitute address designated by the Address
9 Confidentiality Program when creating a new marriage license. (2002-171, s. 3.)
10

11 **§ 51-17. Penalty for issuing license unlawfully.**

12 Every register of deeds who knowingly or without reasonable inquiry, personally or by
13 deputy, issues a license for the marriage of any two persons to which there is any lawful
14 impediment, or where either of the persons is under the age of 18 years, without the consent
15 required by law, shall forfeit and pay two hundred dollars (\$200.00) to any parent, guardian, or
16 other person standing in loco parentis, who sues for the same: Provided, that requiring a party
17 to a proposed marriage to present a certified copy of his or her birth certificate, or a certified
18 copy of his or her birth record in the form of a birth registration card as provided in G.S.
19 130-102, in accordance with the provisions of G.S. 51-8, shall be considered a reasonable
20 inquiry into the matter of the age of such party. (R.C., c. 68, s. 13; 1871-2, c. 193, s. 7; Code, s.
21 1816; 1895, c. 387; 1901, c. 722; Rev., s. 2090; C.S., s. 2503; 1957, c. 506, s. 2.)
22

23 **§ 51-18. Record of licenses and returns; originals filed.**

24 The register of deeds shall maintain a separate index for marriage licenses and returns
25 thereto. Each marriage license shall be indexed alphabetically according to the name of the
26 proposed husband and proposed wife. Each index entry shall include, but not be limited to, the
27 full name of the intended husband and wife, the date the marriage ceremony was performed,
28 and the location of the original license and the return thereon. The original license and return
29 shall be filed and preserved. (1871-2, c. 193, s. 9; Code, s. 1818; 1899, c. 541, s. 3; Rev., s.
30 2091; C.S., s. 2504; 1963, c. 429; 1967, c. 957, s. 8; 1979, c. 636, s. 1; 1983, c. 699, s. 2.)
31

32 **§ 51-18.1. Correction of errors in application or license; amendment of names in**
33 **application or license.**

34 (a) When it shall appear to the register of deeds of any county in this State that
35 information is incorrectly stated on an application for a marriage license, or upon a marriage
36 license issued thereunder, or upon a return or certificate of an officiating officer, the register of
37 deeds is authorized to correct such record or records upon being furnished with an affidavit
38 signed by one or both of the applicants for the marriage license, accompanied by affidavits of at
39 least two other persons who know the correct information.

40 (b) When the name of a party to a marriage has been changed by court order as a result
41 of a legitimation action or other cause of action, and the party whose name is changed presents
42 a signed affidavit to the register of deeds indicating the name change and requesting that the
43 application for a marriage license, the marriage license, and the marriage certificate of the
44 officiating officer be amended by substituting the changed name for the original name, the
45 register of deeds may amend the records as requested by the party, provided the other party
46 named in the records consents to the amendment. (1953, c. 797; 1959, c. 344; 1987, c. 576;
47 2001-62, s. 12.)
48

49 **§ 51-19. Penalty for failure to record.**

50 Any register of deeds who fails to record, in the manner above prescribed, the substance of
51 any marriage license issued by him, or who fails to record, in the manner above prescribed, the

1 substance of any return made thereon, within 10 days after such return made, shall forfeit and
2 pay two hundred dollars (\$200.00) to any person who sues for the same. (1871-2, c. 193, s. 10;
3 Code, s. 1819; Rev., s. 2092; C.S., s. 2505.)
4

5 **§ 51-20. Repealed by Session Laws 1969, c. 80, s. 6.**
6

7 **§ 51-21. Issuance of delayed marriage certificates.**

8 In all those cases where a minister or other person authorized by law to perform marriage
9 ceremonies has failed to file his return thereof in the office of the register of deeds who issued
10 the license for such marriage, the register of deeds of such county is authorized to issue a
11 delayed marriage certificate upon being furnished with one or more of the following:

- 12 (1) The affidavit of at least two witnesses to the marriage ceremony;
- 13 (2) The affidavit of one or both parties to the marriage, accompanied by the
14 affidavit of at least one witness to the marriage ceremony;
- 15 (3) The affidavit of the minister or other person authorized by law who
16 performed the marriage ceremony, accompanied by the affidavit of one or
17 more witnesses to the ceremony or one of the parties thereto.
- 18 (4) When proof as required by the three methods set forth in subdivisions (1),
19 (2), and (3) above is not available with respect to any marriage alleged to
20 have been performed prior to January 1, 1935, the register of deeds is
21 authorized to accept the affidavit of any one of the persons named in
22 subdivisions (1), (2), and (3) and in addition thereto such other proof in
23 writing as he may deem sufficient to establish the marriage and any facts
24 relating thereto; provided, however, that if the evidence offered under this
25 paragraph is insufficient to convince the register of deeds that the marriage
26 ceremony took place, or any of the pertinent facts relating thereto, the
27 applicants may bring a special proceeding before the clerk of superior court
28 of the county in which the purported marriage ceremony took place. The
29 said clerk of the superior court is authorized to hear the evidence and make
30 findings as to whether or not the purported ceremony took place and as to
31 any pertinent facts relating thereto. If the clerk finds that the marriage did
32 take place as alleged, he is to certify such findings to the register of deeds
33 who is to then issue a delayed marriage certificate in accordance with the
34 provisions of this section.

35 The certificate issued by the register of deeds under authority of this section shall contain
36 the date of the delayed filing, the date the marriage ceremony was actually performed, and all
37 such certificates issued pursuant to this section shall have the same evidentiary value as any
38 other marriage certificates issued pursuant to law. (1951, c. 1224; 1955, c. 246; 1967, c. 957, s.
39 10; 1969, c. 80, s. 12.)