

Mississippi Code - Title 93: Domestic Relations - Chapter 1: Marriage § § 93-1-17

Any minister of the gospel ordained according to the rules of his church or society, in good standing; any Rabbi or other spiritual leader of any other religious body authorized under the rules of such religious body to solemnize rites of matrimony and being in good standing; any judge of the Supreme Court, Court of Appeals, circuit court, chancery court or county court may solemnize the rites of matrimony between any persons anywhere within this state who shall produce a license granted as herein directed. Justice court judges and members of the boards of supervisors may likewise solemnize the rites of matrimony within their respective counties. Any marriages performed by a mayor of a municipality prior to March 14, 1994 are valid provided such marriages satisfy the requirements of Section 93-1-18.

Mississippi Code - Title 93: Domestic Relations - Chapter 1: Marriage § § 93-1-1

(1) The son shall not marry his grandmother, his mother, or his stepmother; the brother his sister; the father his daughter, or his legally adopted daughter, or his grand-daughter; the son shall not marry the daughter of his father begotten of his stepmother, or his aunt, being his father's or mother's sister, nor shall the children of brother or sister, or brothers and sisters intermarry being first cousins by blood. The father shall not marry his son's widow; a man shall not marry his wife's daughter, or his wife's daughter's daughter, or his wife's son's daughter, or the daughter of his brother or sister; and the like prohibition shall extend to females in the same degrees. All marriages prohibited by this subsection are incestuous and void. (2) Any marriage between persons of the same gender is prohibited and null and void from the beginning. Any marriage between persons of the same gender that is valid in another jurisdiction does not constitute a legal or valid marriage in Mississippi.

Mississippi Code - Title 93: Domestic Relations - Chapter 1: Marriage § § 93-1-3

Any attempt to evade Section 93-1-1 by marrying out of this state and returning to it shall be within the prohibitions of said section.

Mississippi Code - Title 93: Domestic Relations - Chapter 1: Marriage § § 93-1-5

It shall be unlawful for the circuit court clerk to issue a marriage license until the following conditions precedent have been complied with: (a) Parties desiring a marriage license shall make application for the license in writing to the clerk of the circuit court of any county in the State of Mississippi; however, if the female applicant is under the age of twenty-one (21) years and is a resident of the State of Mississippi, the application shall be made to the circuit court clerk of the county of residence of the female applicant. The application shall be immediately filed with the circuit court clerk and shall include the names, ages and addresses of the parties applying; the names and addresses of the parents of the parties applying, and if no parents, then names and addresses of the guardian or next of kin; the signatures of witnesses; and any other data that may be required by law or the State Board of Health. The application shall be sworn to by both applicants. (b) The application shall remain on file, open to the public, in the office of the circuit court clerk for a period of three (3) days before the clerk is authorized to issue the marriage license. However, if satisfactory proof is furnished to the judge of any circuit, chancery or county court that sufficient reasons exist, then the judge of any such court in the judicial district where either of the parties resides if they are over the age of twenty-one (21) years, or where the female resides if she is under the age of twenty-one (21), may waive the three-day waiting period

and by written instrument authorize the clerk of the court to issue the marriage license to the parties if they are otherwise qualified by law. Authorization shall be a part of the confidential files of the clerk of the court, subject to inspection only by written permission of the judge. If either of the applying parties appears from the evidence to be under twenty-one (21) years of age, the circuit court clerk, immediately upon filing the application, shall cause notice of the filing of the application to be sent by prepaid certified mail to the father, mother, guardian or next of kin of both applying parties at the address named in the application. (c) An affidavit showing the age of both applying parties shall be made by either the father, mother, guardian or next of kin of each of the contracting parties and filed with the clerk of the circuit court along with the application; or in lieu thereof, both applying parties shall appear in person before the circuit court clerk and make and subscribe an oath in person, which affidavit shall be attached to and noted on the application for the marriage license. In addition to either of the previous conditions stated, further proof of age shall be presented to the circuit court clerk in the form of either a birth certificate, baptismal record, armed service discharge, armed service identification card, life insurance policy, insurance certificate, school record, driver's license, or other official document evidencing age. The document substantiating age and date of birth shall be examined by the circuit court clerk before whom application is made, and the circuit court clerk shall retain in his file with the application the document or a certified or photostatic copy of the document. (d) The clerk shall not issue a marriage license under the provisions of this section unless the male applicant is at least seventeen (17) years of age and the female is at least fifteen (15) years of age; however, if satisfactory proof is furnished to the judge of any circuit, chancery or county court that sufficient reasons exist and that the parties desire to be married to each other and that the parents or other person in loco parentis of the person or persons so under age consent to the marriage, then the judge of any such court in the county where either of the parties resides may waive the minimum age requirement and by written instrument authorize the clerk of the court to issue the marriage license to the parties if they are otherwise qualified by law. Authorization shall be a part of the confidential files of the clerk of the court, subject to inspection only by written permission of the judge. (e) A medical certificate dated within thirty (30) days before the application shall be presented to the circuit court clerk showing that the applicant is free from syphilis, as nearly as can be determined by a blood test performed in a laboratory approved by the State Board of Health. The medical certificate may be obtained through the local health department by the applicant or applicants, or it may be obtained through any private laboratory approved by the State Board of Health. The medical certificate shall be examined by the circuit court clerk and filed in a permanent file kept by the clerk for this purpose. (f) In no event shall a license be issued by the circuit court clerk when it appears to the circuit court clerk that the applicants are, or either of them is, drunk or a person with mental illness or an intellectual disability, to the extent that the clerk believes that the person does not understand the nature and consequences of the request. Any circuit clerk shall be liable under his official bond because of noncompliance with the provisions of this section. Any circuit court clerk who issues a marriage license without complying with the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than Fifty Dollars (\$50.00) and not more than Five Hundred Dollars (\$500.00).

Mississippi Code - Title 93: Domestic Relations - Chapter 1: Marriage § § 93-1-7

Any interested party shall have the right to contest the issuance of a marriage license, provided such party files a written protest in the circuit or chancery court of the county wherein the license is being sought, naming as parties the circuit court clerk of such county and the parties to the application. Upon

the filing of such written protest, a summons shall be forthwith issued thereon for the parties defendant, except that in the case of the filing thereof in the circuit court, it shall not be necessary to issue a summons for the circuit clerk. No license shall be issued subsequent to the filing of such protest in the circuit court or the service of a summons issued by the chancery court upon the circuit clerk or any of his deputies, except as herein provided. Such protest may be heard upon three (3) days' notice to the parties defendant by the circuit judge or chancellor in term time or in vacation. If the circuit judge or chancellor shall find that there is a legal impediment to the consummation of such marriage, or, in case either of the applicants is a minor, that the parties applicant are not of mature discretion, or are not capable of assuming the responsibilities of marriage, then he shall enter an order prohibiting the issuance of such license. No marriage license shall be issued to either applicant in any county in this state within one year of the rendition of such order unless such legal impediment has been removed, or, in the case of a minor, without the permission first obtained from the court rendering such order. If the judge or chancellor shall not make such a finding as hereinabove set forth, then such action shall be dismissed at the cost of the protestant and the clerk shall forthwith issue the license as applied for. The party protesting shall file a cost bond in the sum of fifty dollars (\$50.00) with good and sufficient sureties, to be approved by the clerk of the court in which filed, conditioned as in other civil cases.

Mississippi Code - Title 93: Domestic Relations - Chapter 1: Marriage § § 93-1-9

The failure to comply with the provisions of Sections 93-1-5 and 93-1-7 shall not affect the validity of any marriage duly solemnized, followed by cohabitation.

Mississippi Code - Title 93: Domestic Relations - Chapter 1: Marriage § § 93-1-11

(1) It shall be unlawful for any clerk to issue a marriage license between the hours of 6 p.m. and 8 a.m. When a clerk shall issue a license he shall certify on said license the time when it was issued. (2) Any clerk violating the provisions of this section shall be guilty of a misdemeanor, and shall be fined not more than five hundred dollars (\$500.00).

Mississippi Code - Title 93: Domestic Relations - Chapter 1: Marriage § § 93-1-13

A marriage shall not be contracted or solemnized unless a license therefor shall first have been duly issued. No irregularity in the issuance of or omission in the license shall invalidate any marriage, nor shall this section be construed so as to invalidate any marriage that is good at common law.

Mississippi Code - Title 93: Domestic Relations - Chapter 1: Marriage § § 93-1-15

(1) No marriage contracted after April 5, 1956 shall be valid unless the contracting parties shall have obtained a marriage license as otherwise required by law, and unless also the marriage, after such license shall have been duly issued therefor, shall have been performed by or before any person, religious society, institution, or organization authorized by Sections 93-1-17 and 93-1-19 to solemnize marriages. Failure in any case to comply with both prerequisites aforesaid, which shall also be construed as mandatory and not merely directory, shall render the purported marriage absolutely void and any children born as a result thereof illegitimate. (2) Nothing contained in this section shall be construed to affect the validity of any marriage, either ceremonial or common law, contracted prior to April 5, 1956.

Mississippi Code - Title 93: Domestic Relations - Chapter 1: Marriage § § 93-1-18

Any marriages performed by a mayor of a municipality prior to March 14, 1994 are validated unless they have been invalidated by a court of competent jurisdiction, provided that all other requirements of law have been met and the marriages would have been valid if performed by an official authorized by law to solemnize the rites of matrimony.

Mississippi Code - Title 93: Domestic Relations - Chapter 1: Marriage § § 93-1-19

It shall be lawful for a pastor of any religious society in this state to join together in marriage such persons of the society to whom a marriage license has been issued, according to the rules and customs established by the society. The clerk or keeper of the minutes, proceedings, or other books of the religious society wherein such marriage shall be had and solemnized, shall make a true and faithful register of all marriages solemnized in the society, in a book kept by him for that purpose, and return a certificate of the same to the clerk of the circuit court of the county, to be by him recorded, under the penalty prescribed in Section 93-1-21.

Mississippi Code - Title 93: Domestic Relations - Chapter 1: Marriage § § 93-1-23

The clerk of the circuit court in each county shall be the legal custodian of the records and papers relating to marriage licenses and certificates of marriage formerly kept by the clerk of the probate court of each county.

Mississippi Code - Title 93: Domestic Relations - Chapter 1: Marriage § § 93-1-25

(1) It shall be unlawful for any person to solicit or cause to be solicited within any courthouse, premises or grounds or lots on which the courthouse may be located in any county within the State of Mississippi, for himself or for and on behalf of any minister or other person, the performance of a marriage ceremony. (2) Any person violating this section shall be guilty of a misdemeanor and shall be punished by a fine not exceeding twenty-five dollars (\$25.00) for the first conviction, and for any second or subsequent conviction, by a fine not exceeding one hundred dollars (\$100.00), or by imprisonment in the county jail not exceeding thirty (30) days, or by both such fine and imprisonment.