

37:1-13

LEGISLATIVE HISTORY CHECKLIST

(Marriages -- Allow religious organizations to perform marriages for non-members)

WJSA 37:1-13

LAWS OF 1979

CHAPTER 166

Bill No. S1052

Sponsor(s) Cafiero

Date Introduced April 17, 1978

Committee: Assembly Judiciary, Law, Public Safety & Defense

Senate Judiciary

Amended during passage

Yes

Amendments during passage  
XX denoted by asterisks.

Date of Passage: Assembly May 10, 1979

Senate January 25, 1979

Date of approval August 6, 1979

Following statements are attached if available:

Sponsor statement	Yes	XX	(Below)
Committee Statement: Assembly	Yes	XX	
Senate	Yes	XX	
Fiscal Note	XXX	No	
Veto message	XXX	No	
Message on signing	XXX	No	
Following were printed:			
Reports	XXX	No	
Hearings	XXX	No	

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Sponsor's statement:

This bill removes the prohibition against a religious organization marrying persons who are not members of such organization.

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APPROVED 8-6-79

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SENATE, No. 1052

# STATE OF NEW JERSEY

INTRODUCED APRIL 17, 1978

By Senator CAFIERO

Referred to Committee on Judiciary

AN ACT concerning persons who are authorized to solemnize marriages, \***[and]**\* amending R. S. 37:1-13 *and supplementing Title 37 of the Revised Statutes*.\*

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey*:

1 1. R. S. 37:1-13 is amended to read as follows:

2 37:1-13. Each judge of a Federal district court, **\*\**[judge of a***  
3 ***county court,]*\*\* judge of a county district court, magistrate of a  
4 municipal court, **\*\**judge of the superior court*\*\*** and any mayor,  
5 or chairman of any township committee or village president of this  
6 State, and every minister of every religion, and judges of the  
7 criminal judicial district courts in counties wherein such courts are  
8 or may be established and judges of the juvenile and domestic  
9 relations courts in counties in which such courts are or may be  
10 established, are hereby authorized to solemnize marriage between  
11 such persons as may lawfully enter into the matrimonial relation;  
12 and every religious society, institution or organization in this State  
13 may join together in marriage such persons **[as are members of**  
14 **such society, institution or organization, or when one of such per-**  
15 **sons is a member of such society, institution or organization,]**  
16 according to the rules and customs of the society, institution or  
17 organization **[to which they or either of them belong].****

1 **\*2.** *(New section) Any marriage heretofore performed by a*  
2 *religious society, institution or organization in this State where*  
3 *neither person was a member of such society, institution or organi-*  
4 *zation is hereby ratified, validated and confirmed.\**

1 **\*[2.]\* \*3.\*** This act shall take effect immediately.

**EXPLANATION—**Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND  
DEFENSE COMMITTEE

STATEMENT TO

**SENATE, No. 1052**

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**STATE OF NEW JERSEY**

DATED: APRIL 23, 1979

This bill amends R. S. 37:1-13 to allow a religious society to marry couples where neither person is a member of the society.

It also ratifies any previous marriage performed by a religious society where neither person was a member.

The bill is particularly aimed at marriages of non-members performed by the Society of Friends (Quakers), and there is substantial testimony of need for the bill from Friends Meetings.

Under current law, "every minister of every religion," along with judges, mayors, et al, can solemnize marriages without any stipulation in the law as to religious membership of the betrothed. The Friends have no ministers. To accommodate groups like the Friends, the current law also provides that "every religious society, institution or organization" can marry couples, but only if at least one of the persons is a member of the organization. This latter requirement causes difficulty for the Friends, who are, in this respect, treated differently than the other major organized religions.

In the course of discussion of this bill, the question was raised as to whether the Friends, having no "minister," are able to legally certify a marriage: is there someone legally capable of signing the certificate? Consultation with the Department of State, the Salem Society of Friends, Salem County Clerk, and the statutes lead to the conclusion that there is no problem in this area. R. S. 37:1-17 provides that a "legally authorized agent" of a religious society shall subscribe to the marriage on the certificate. The clerk or one of the Overseers of the Friends Meeting, who are legal agents, does the subscribing.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

**SENATE, No. 1052**

**STATE OF NEW JERSEY**

DATED: JANUARY 16, 1979

This bill removes the prohibition against a religious organization marrying persons who are not members of such organization. The purpose of the committee amendment is to validate any marriages which had been previously performed in violation of the prohibition which the bill would remove.