

1976 WL 30705 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 11, 1976

*1 Mr. Mack A. Edwards
1704 Stoneybrook Drive
High Point, North Carolina 27260

Dear Sir:

Your letter of recent date addressed to the Attorney General has been referred to me for consideration and reply.

I enclose for your information a summary of the South Carolina Marriage Laws prepared by this Office, and in response to your specific questions, I would call your attention to page 2 thereof, which deals with the age requirements, and page 3, which deals with the problem of a person participating in the marriage ceremony not complying with the statutory provisions, and this unquestionably would include the circumstances in your case of an alleged false signature. In other words, the marriage itself is not declared invalid.

On the question concerning the fact that your daughter had had a baby born out of wedlock and its effect on the age of consent, this is covered on pages 3 and 4 of the enclosed Summary and is referred to as Section 20-24.5.

From the limited facts related in your letter, it would appear that the marriage performed in the State of South Carolina is probably valid, and, in any event, in view of the fact that South Carolina does recognize common law marriage, if there in fact was a defect in the civil ceremony which ultimately may be a basis for a court action to void the marriage and set it aside, the marriage itself may have ripened into a valid common law marriage, and that union would be recognized.

It is hoped that the enclosed and the foregoing will be of some assistance.

Very truly yours,

Raymond G. Halford
Senior Assistant
Attorney General

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