

# This is the Law



By Robert E. Lee  
for the N. C. Bar Association

## MARRIAGE

Are "common-law marriages" recognized in North Carolina?

Common-law marriages were never recognized in North Carolina until recent years.

What are the requirements of a valid marriage in North Carolina?

Briefly stated, any man and woman entitled by law to be married may do so by appearing together before a minister or justice of the peace and voluntarily expressing their serious intent to be husband and wife, and having the minister before a minister or justice of the peace declare them man and wife.

No witnesses are required. What are the marriages prohibited by the law of North Carolina?

Interracial and bigamous marriages are absolutely void. A marriage between a white person and a Negro is an example of an interracial marriage that is void.

If a man enters into a second marriage before his first marriage has been dissolved by divorce or death of his first wife, the second marriage is bigamous and void.

The following marriages are merely voidable—that is, they are valid until they have been declared void by the court in an annulment proceeding: (1) marriages between two persons nearer of kin than first cousins; (2) marriages where one of the parties is less than sixteen years of age; (3) marriages when either party at the time is physically impotent; (4) marriages in which one of the parties is incapable of contracting for want of will and understanding; and (5) "a marriage contracted under a representation and belief that the female partner to the marriage is pregnant, followed by the separation of the parties within fifty-five days of the marriage which separation has been continuous for a period of one year shall be voidable: Provided, that no child has been born to the parties within ten lunar months of the date of separation."

North Carolina forbids the marriage of double first cousins, but marriages between first cousins are valid.

May a couple be legally married without a marriage license?

Yes. It has been held in North Carolina that a failure to procure a license will not invalidate a marriage otherwise valid.

The only effect of marrying a couple without a license is that the minister or justice of peace is subjected to a penalty of two hundred dollars. It is the marriage ceremony, and not the obtaining of the license prior to the marriage ceremony, that determines the validity of the marriage.

In most States marriage license statutes are construed as directory only and not mandatory. Under this view, a valid marriage may be created without first obtaining a marriage license. A statute which is deemed directory merely points out, a way by which a result can be certainly accomplished but which does not say that it is the only or exclusive method by which the result can be accomplished.

The fact that the license may have been obtained by fraud or perjury, or that the consent of parents is not obtained as specified by statute in certain cases, does not prevent a marriage ceremony from being effective.

This clipping will entitle Lewis E. Phillips and one guest to free admission to see "Big New Tarzan Thrills" at the Pix Theater.

TRY THE CLASSIFIEDS!!!

Alabama, Colorado, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Michigan, Mississippi, Montana, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, and Texas.

Common-law marriages, in those jurisdictions where such are authorized, are just as binding as a ceremonial marriage. They can be terminated only by annulment or divorce.

What is a common-law marriage?

To constitute a common-law marriage there must be a present agreement between a man and woman, eligible to enter into such relationship, to take each other as husband and wife. All that is necessary is that the parties shall intend to marry, and their intention may be proved either by their words or by their conduct. No solemnization or other formality, apart from the agreement itself, is necessary. No witnesses are required.

The agreement being the essential element in these marriages, it may, like any other agreement, be proved by words or by conduct, and by the testimony of the parties themselves or by the testimony of third persons.

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## FORESTRY - U.S.A.

**1919 PIONEER GENERAL H.H. (HAP) ARNOLD made the first observation flight over a forest fire for the U.S. Forest Service.**



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**Even more effective forest fire fighting methods and equipment are being developed through research.**

**BE CAREFUL WITH FIRE IN THE WOODS AND FORESTS**

## Oteen News

By Mrs. Mae Swann

Mrs. H. E. Davis was elected B. T. U. director of the Oteen Baptist church during general assembly Sunday night to succeed Mrs. Mae Swann who resigned on Wednesday night, after serving as Training Union director for the past three years. Miss Mary Frances Clayton was elected associate director.

The vacation Bible school at Oteen Baptist church closed with commencement Friday night. It was one of the best schools we've ever had with an enrollment of 120. Average attendance was 105.

Reports from Tar Heel cabbage growers as of June 1, indicate that production from the state's 2,400 acres of late spring cabbage will be about 9,600 tons, an average yield of 40 tons per acre. This compares with 15,400 tons produced in 1954 and an average yield of 7 tons per acre.

Mr. and Mrs. MacMarlowe and children went to Greensboro Sunday.

The Grassy Branch Home Demonstration club was held last Tuesday at the home of Mrs. Seaborn.

Daily vacation Bible school is being conducted at Bethel Methodist church and also at Riceville Presbyterian church.

Among the visitors at Oteen Baptist church Sunday morning were Mrs. Wayne Williams of

The school enjoyed a picnic lunch at noon Friday on the picnic area at the church. A group of intermediates went swimming at Recreation Park following the picnic.

The Rev. H. E. Davis, pastor of Oteen Baptist church, brought a wonderful message Sunday night on "Jesus in the Garden of Gethsemane." A duet was rendered by Mrs. Leonard Clayton and Miss Jean Maxwell.

Mr. and Mrs. Fred Watson and children, Terry and Sandra of Craig circle have returned from a vacation in Florida. They spent a week at Elinore Village on Ormond Beach and visited other points of interest.

They were accompanied on the trip by Miss Maude Keating of Craig circle. All reported having a wonderful time and all came home "tanned."

Mrs. Maude Thomas is having as house guests this week Mr. and Mrs. James McQuer and daughter Gail of Charlotte, Mr. and Mrs. Olive Thomas of Louisville, Ky., Mrs. Evelyn Tilson and three children of Miami, Fla.

Mr. and Mrs. Norman Zell of Church road, Oteen, celebrated their 35th wedding anniversary on June 16 with an anniversary dinner at their home. Guests were Mr. and Mrs. Louis Hawkins, Mr. and Mrs. Jimmy Marrett, Mr. and Mrs. L. O. Ingle and Mrs. Etta O'Daniels.

Among the visitors at Oteen Baptist church Sunday morning were Mrs. Wayne Williams of

Chunns Cove, Miss Charlotte Young of Charlotte and Oteen and some friends of the pastor from South Carolina.

Mr. and Mrs. T. V. Carter of Church road and children, Willie and Lawrence, have returned from a two weeks' vacation in Florida and Georgia. They visited Mr. and Mrs. Moss in Tampa, former residents of Oteen. They also visited relatives in Georgia. Tommy Carter, another son, stayed in Georgia for an extended visit with his grandmother.

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## BEE TREE NEWS

By Mrs. C. M. Howie

Visiting Mrs. W. C. Burnette and Mrs. C. M. Howie Friday afternoon were the Rev. Fred Duckett, his wife and Fred's father, W. E. Duckett of Bee Tree road.

The Doyle Howies of Wyandotte, Mich., returned to their home in Wyandotte Wednesday. While down here they visited their parents, the C. M. Howies, and Floyd Shepherds. Also the Loyn Howies, the Herman Owenbys, and Mrs. Howie's Grandmother Shepherd and aunt at Nebo near Mar-

Oscar Bowen sowed cane and soy beans for C. M. Howie Tuesday and his wife Mrs. Mamie visited with her aunt Mrs. Burnette and Mrs. C. M. Howie. They were dinner guests of the Howies.

Visiting the C. M. Howies and Mrs. Burnette Saturday morning were Mr. and Mrs. Ed Hilt and daughter of Longs Branch.

Mrs. Gertrude Howie and little granddaughter Sharon visited the C. M. Howies Friday afternoon.

The Loyn Howies went fishing Saturday night.

Word has been received that Mrs. Bernice Stafford of Cooley, N. C., is very sick. She is the daughter of V. B. Howie of Concord, N. C., brother of C. M. and Lawrence Howie of Longs Branch road.

Mrs. Carl Thomas of Longs Branch is visiting her son and daughter-in-law, Mr. and Mrs. Robert Stevens of Gastonia.

Mr. and Mrs. Jack Adams of Summer Haven left by motor Friday night to attend the funeral of Mr. Adams' uncle in Virginia.

Visiting the Thomas Halls the past week were their grandchildren, Gloria Jean and Howard Bryant of near Oteen.

Word has been received that John Bryant, son of Mrs. Thomas Hall, suffered an accident at the garage in Michigan where he works. He got a very bad cut on his hand.

## Riceville News

By Mrs. Jay H. Cordell

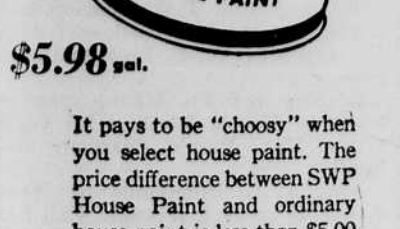
The Daily Vacation Bible school is still in progress at Berea Baptist church, 79 children are enrolled with 14 faculty members. The closing exercises will be held Friday night. The public is invited.

Mrs. Rhea Ray and son left Sunday for Ohio where her husband is in service.

Ray Tipton of Dillingham circle left Thursday for examination in Charlotte for the air corps.

Mr. and Mrs. James D. Cordell and children of Atlanta, Ga., are visiting Mr. and Mrs. Jay H. Cordell of Dillingham circle, and Mr. and Mrs. Lawrence Smathers of Canton. Also visiting Mr. and Mrs. Cordell Sunday were Mr. and Mrs. Hobart Chapman of Swannanoa, Mr. and Mrs. Arnold Cordell of Asheville, and Mr. and Mrs. Cecil Cordell of Brevard.

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