

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 107
HOUSE BILL 277

AN ACT TO AMEND G.S. 51-3 TO REMOVE REFERENCES TO RACE AND TO CLARIFY ITS PROVISIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 51-3, as the same appears in the 1976 Replacement Volume 2A of the General Statutes of North Carolina, is rewritten to read as follows:

"§ 51-3. Want of capacity; void and voidable marriages. — All marriages between any two persons nearer of kin than first cousins, or between double first cousins, or between a male person under 16 years of age and any female, or between a female person under 16 years of age and any male, or between persons either of whom has a husband or wife living at the time of such marriage, or between persons either of whom is at the time physically impotent, or between persons either of whom is at the time incapable of contracting from want of will or understanding, shall be void. No marriage followed by cohabitation and the birth of issue shall be declared void after the death of either of the parties for any of the causes stated in this section except for bigamy. No marriage by persons either of whom may be under 16 years of age, and otherwise competent to marry, shall be declared void when the girl shall be pregnant, or when a child shall have been born to the parties unless such child at the time of the action to annul shall be dead. 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 45 days of the marriage which separation has been continuous for a period of one year, shall be voidable unless a child shall have been born to the parties within 10 lunar months of the date of separation."

Sec. 2. Article 1 of General Statutes Chapter 51 is amended by adding a new section to read as follows:

"§ 51-3.1. Interracial marriages validated. — All interracial marriages that were declared void by statute or a court of competent jurisdiction prior to the effective date of this section are hereby validated. The parties to such interracial marriages are deemed to be lawfully married, provided that the provisions of this Chapter have been complied with."

Sec. 3. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1977.