Dear Mrs. Underwood,

You request our opinion relative to whether a judge of a probate court of another county may properly solemnize a marriage in Shawnee County. In our opinion he may.

K.S.A. Supp. 23-116 provides in pertinent part:

"Every judge or licensed preacher of the gospel, twenty-one (21) years of age or older may perform the marriage ceremony in this state, and shall certify over his proper signature on the back of the license the fact of such marriage and the date thereof."

[Emphasis supplied]

The general rule is stated at 55 C.J.S. Marriage §29:

"Statutes generally authorize judges, justices of the peace, and magistrates to solemnize marriages, and unless otherwise expressly stipulated, this authority is not confined to the territory in which such officer has jurisdiction in other cases nor is it determined on the judicial power vested in such officer."
We are hopeful that the foregoing will be of assistance.

Sincerely yours,

VERN MILLER
Attorney General