

FILE

Subject

*Domestic Relations  
Marriage*



Copy to

STATE OF KANSAS

*Office of the Attorney General*

State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

VERN MILLER

Attorney General

May 21, 1974

Opinion No. 74-160

Mrs. Lillian R. Underwood  
Clerk, Shawnee County Probate Court  
Shawnee County Courthouse  
Topeka, Kansas 66603

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]

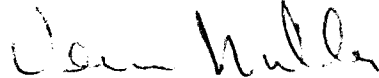
The general rule is stated at 55 C.J.S. Marriage §29:

"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."

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We are hopeful that the foregoing will be of assistance.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Vern Miller".

VERN MILLER  
Attorney General

VM:DRH:bw