

December 5, 1949—049-578.

COUNTY JUDGES—PROXY MARRIAGE—LICENSE—ISSUANCE—VALIDITY

QUESTION: May a county judge issue a marriage license for a proxy marriage?

To: *Honorable W. F. Blanton, County Judge's Court, Miami, Florida:*

..... I think he should issue the license when the parties have otherwise qualified unless he knows with absolute certainty that it will be used for any kind of invalid marriage, which would include the so-called proxy marriage.

February 22, 1950—050-89. See: Opinion No. 049-379.

SALVATION ARMY OFFICER—AUTHORITY TO MARRY OTHERS—MARRIAGE CEREMONY—CHAP. 741, F.S. '41

QUESTION: Do officials of the Salvation Army have legal authority to solemnize the rights of the matrimonial contract?

To: *Honorable William C. Brooker, County Judge, Hillsborough County:*

Your question is substantially answered in my earlier opinion to you dated August 15, 1949, Number 049-379.

..... It is my opinion that an official of the Salvation Army, who devotes himself generally to the work of officiating and ministering in the religious interests and affairs of the Salvation Army and whose official capacity has been recognized in the manner required by the prescribed regulations of the Salvation Army has the legal authority to solemnize the rights of the matrimonial contract.

March 21, 1950—050-136.

COUNTY JUDGES—MARRIAGE LICENSE APPLICATION—IMPEDIMENT—REMOVAL REQUIRED—CHAPTER 741, FLORIDA STATUTES APPLICABLE

QUESTION: May a county judge accept an application for marriage while an impediment is known to exist provided said judge does not issue a marriage license until after the removal of said impediment?

To: *Honorable William C. Brooker, County Judge, Hillsborough County, Tampa, Florida:*

..... In view of the above, it is my opinion that a county judge may accept an application for marriage even though at the time of filing such application an impediment exists to a valid marriage PROVIDED said judge accepting said application shall not issue a marriage license until after said impediment has been removed.

June 13, 1950—050-289.

MARRIAGE LICENSE—APPLICATION—ACKNOWLEDGMENT—COMMISSIONED NAVAL OFFICER—AUTHORIZED—RESTRICTIONS

QUESTION: Is a commissioned naval officer authorized by law to administer oath and take affidavit of applicant for marriage license?

To: Honorable William C. Brooker, County Judge, Hillsborough County, Tampa, Florida.

Reference is made to Section 695.031, Florida Statutes, dealing with affidavits and acknowledgments by members of the armed forces.

.... it is my opinion that if a party to the marriage application is serving in or with the armed forces of the United States, as provided by the above statute, then an acknowledgment of affidavit for marriage certificate made by said party before a commissioned naval officer is valid and should be accepted by the County Judge.

Therefore, your question is answered in the affirmative subjective to the above restriction.