

Opinion No. 14-1381

November 5, 1914

BY: FRANK W. CLANCY, Attorney General

TO: Mr. Harry F. Martin, Utica, Kansas.

MARRIAGE.

Regarding age at which a female may be married.

OPINION

{*241} I have just received your communication of the 2nd instant asking at what age, according to the laws of this state, may a girl be married.

By Section 1426 of our Compiled Laws of 1897 it is provided that no person authorized to celebrate marriages shall knowingly unite in marriage any female under the age of eighteen years without the consent of her parents or guardian, and that all marriages of any female under the age of fifteen years are absolutely invalid. This act was originally passed on January 7, 1876, and it appears that one week later another act was passed, the first section of which appears in the compilation as Section 1430, which provides that no marriage between or with infants under the prohibited ages shall be declared void except by the decree of the district court, and that if minors should live together until they arrive at the age under which marriage is prohibited by the statute, then the marriage shall be deemed legal and binding. It would seem that after the passage of the first act the legislature realized that great injustice might be done under the provisions of the first act, and passed the second one to remedy it.

In 1905, by Chapter 65 of the laws of that year, a license system was enacted which in no way changes the statute as to the age {*242} at which marriages may be performed, but recognizes the necessity of obtaining the consent of parents or guardians when the persons applying for a license are under the ages specified in the earlier statute.