

MARRIAGE LICENSES: : A recorder of deeds is entitled to a fee
RECORDERS OF DEEDS: : of \$1.00 for the recordation of a marriage
FEES: : license and the return thereon; and is
SALARIES: : further entitled to a fee of 50¢ for each
: marriage certificate filed with him if
: the recorder makes the report required
: by Section 193.340, RSMo 1949.
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January 10, 1955

Honorable Bill Davenport
Prosecuting Attorney
Christian County
Ozark, Missouri

Dear Mr. Davenport:

Your letter of November 12, 1954, requesting an official opinion, is as follows:

"The Circuit Clerk of this County has requested that I obtain the opinion of your office on the following question of interpretation of Section 193.350 and Section 451.150, RS Mo. 1949.

"The precise question is whether the fee mentioned in Section 193.350, supra is included in the fee mentioned in Section 451.150, supra, that is, whether the total fee to be charged with respect to the services of Recorders in handling marriage licenses is \$1.00 or \$1.50."

All statutory citations herein are RSMo 1949, unless otherwise noted.

Section 451.080 authorizes recorders of deeds to issue marriage licenses and requires persons solemnizing marriages to make a return of the license to the recorder. Said section reads, in part:

"1. The recorders of the several counties of this state, and the recorder of the city of St. Louis, shall, when applied to by any person legally entitled to a marriage license, issue the same * * *:

* * * * *

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"3. On which said license the person solemnizing the marriage shall, within ninety days after the issuing thereof, make as near as may be the following return, and return such license to the officer issuing the same:

"State of Missouri,)
County of _____) ss.

"This is to certify that the undersigned _____ did at _____ in said county, on the _____ day of _____, A.D. 19____, unite in marriage the above-named persons."

Section 451.150 requires the recorder of deeds to place on record all marriage licenses issued and the return thereon, and authorizes a fee therefor. Said section reads:

"The recorder shall record all marriage licenses issued in a well-bound book kept for that purpose, with the return thereon, for which he shall receive a fee of one dollar, to be paid for by the person obtaining the same."

With the apparent purpose of assisting the Bureau of Vital Statistics in keeping its records, the Legislature enacted Section 193.340 in 1947, imposing upon officers issuing marriage licenses a new duty, viz., to make a monthly report to the State Registrar of marriage certificates filed with such issuing officer. That section reads:

"Every person who performs a marriage ceremony shall prepare and sign a certificate of marriage in duplicate one of which shall be given to the parties and the other filed by him within ten days after the ceremony with the officer who issued the marriage license.

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Every officer who issues a marriage license shall forward to the state registrar on or before the fifteenth day of each calendar month a list of the certificates of marriage which were filed with him during the preceding calendar month on forms to be furnished by the state registrar."

Such officers issuing marriage licenses are entitled by Section 193.350 to a fee for making a report of the marriage certificates filed with him. Section 193.350 reads:

"Every officer authorized to issue marriage licenses shall be paid a recording fee of fifty cents for each marriage certificate filed with him and reported by him to the state registrar. The recording fee shall be paid by the applicant for the license and be collected together with the fee for the license."

Section 59.310, RSMo Cum. Supp. 1953, authorizes the recorder of deeds to charge a fee for supplying a certified copy of a marriage certificate. That section reads, in part, as follows: "Recorders shall be allowed fees for their services as follows: * * * . For every certified copy of a marriage certificate \$1.00 * * *."

There is no conflict in the above provisions. Section 451.150 authorizes a fee of \$1.00 for the recordation of the marriage license (with the return). Section 193.340 authorizes a fee of 50¢ per certificate for sending to the State Registrar, each month, a list of the marriage certificates returned to the recorder during the preceding month. Section 59.310 authorizes a fee for supplying (if requested) a certified copy of a marriage certificate. Since each statute sets out a specific duty, and authorizes a fee for the performance of each, we conclude that such fees are cumulative.

CONCLUSION

It is, therefore, the opinion of this office that a recorder of deeds is entitled to a fee of \$1.00 for the

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recordation of a marriage license and the return thereon; and is further entitled to a fee of 50¢ for each marriage certificate filed with him if the recorder makes the report required by Section 193.340 RSMo 1949.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Mr. Paul McGhee.

Very truly yours,

JOHN M. DALTON
Attorney General

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