



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GROVER SELLERS
ATTORNEY GENERAL

Honorable Cullen B. Vance
County Attorney
Jackson County
Edna, Texas

Dear Sir:

Opinion No. 0-6069

Re: Is there any time limitation within which the marriage ceremony must be performed after the issuance of a marriage license?

This will acknowledge receipt of your letter, dated June 6, 1944, which reads, in part, as follows:

"I would appreciate an opinion from your office as to whether there is any time limitation within which the marriage ceremony must be performed after the issuance of a marriage license.

"The statute (Art. 4606 R.C.S.) provides the time within which the return must be made after the ceremony is performed, but I have been unable to find any statute or decision prescribing the time within which the rites of matrimony must be solemnized after the issuance of license."

Articles 4604 and 4604c, Vernon's Annotated Civil Statutes, respectively provide:

"Persons who desire to marry shall procure from the County Clerk a license directed

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to all persons authorized by law to celebrate the rites of matrimony, which shall be sufficient authority to celebrate such marriage."

"Before the County Clerk shall issue any marriage license the man shall produce a certificate from a reputable licensed physician to show that he is free from all venereal diseases." (Emphasis ours)

As a general rule, when a statute prescribes no time within which an act must be done, then the act should be done within a reasonable time.

We have still a further basis. In our opinion No. 0-5755, dated December 23, 1943, we said:

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"It will be noted that the foregoing statute prescribes no time that the certificate from a reputable licensed physician shall remain valid for the purpose of issuing a marriage license. Generally speaking, when a statute prescribes no time within which an act must be done, then the act should be done within a reasonable time.

"What is a reasonable time within which an act must be done ordinarily means so much time as is necessary, under the circumstances, and what the duties require in the particular case. (See Words and Phrases, Perm. Ed., Vol. 6, page 376). Stated another way, reasonable time is such promptitude as the situation of the parties and the circumstances of the case will allow. It never means an indulgence in unnecessary delay or in delay occasioned by vain and fruitless effort to do the act required. (See French v. Lewis, 218 Pa. 141, 11 L.R.A. 948, N.S.)

"In answer to your first question, you are advised that it is our opinion that the certificate from a reputable and licensed physician remains valid for the purpose of issuing a marriage

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license under Article 4604c, supra, for a reasonable length of time after the physician has issued such certificate.

" "

A public health policy further demands that the physician's certificate remain valid for only a reasonable length of time. This same public policy demands that the marriage license remain valid for only a reasonable length of time. If we should hold otherwise, we would, in effect, negative the purpose of Article 4604c, supra.

It is the opinion of this department, therefore, that the marriage ceremony should be performed within a reasonable length of time after the issuance of the license to marry. We further believe that a reasonable length of time is sufficiently defined in our foregoing quotation from our Opinion No. 0-5755, supra.

Trusting this satisfactorily answers your inquiry,
we are

Yours very truly

ATTORNEY GENERAL OF TEXAS

By

Fred C. Chandler
Fred C. Chandler
Assistant

By

Eton M. Hyder, Jr.
Eton M. Hyder, Jr.

APPROVED JUN 20, 1944
C. J. Blackburn
ATTORNEY GENERAL OF TEXAS

EMH:ff

