

REPORTISM:

Wife is not related to husband's  
sister's husband by affinity so  
as to violate Section 13 of  
Article XIV of the Constitution of  
Missouri.

October 4, 1933.



Miss Mary Edna Cruzen,  
Labor Commissioner,  
Jefferson City, Missouri.

Dear Miss Cruzen:

We are acknowledging receipt of your letter in which you  
inquire as follows:

"I would like your opinion on the following:

Is Mrs. Jones' husband's sister's husband, kin to  
Mrs. Jones by affinity?

Thanking you for this information, I am."

Section 13 of Article XIV of the Constitution of Missouri  
provides as follows:

"Any public officer or employe of this State or of any  
political subdivision thereof who shall, by virtue of  
said office or employment, have the right to name or  
appoint any person to render service to the State or  
to any political subdivision thereof, and who shall  
name or appoint to such service any relative within  
the fourth degree, either by consanguinity or affinity,  
shall thereby forfeit his or her office or employment."

Under the foregoing constitutional provision the officer  
appointing a relative within the fourth degree, either by con-  
sanguinity or affinity, shall forfeit his office. The question  
arises in your inquiry as to whether or not the appointing by  
Mrs. Jones of her husband's sister's husband comes within the  
prohibition of the constitution. In 2 C. J. 378, it is said:

"Blood relations of the husband and blood relations  
of the wife are not related to each other by affinity.  
Nor does the term 'affinity' ordinarily include per-  
sons related to the spouse simply by affinity."

In Encyclopedia Brittanica, 11th Ed. Vol I, page 301, the  
author has the following to say about affinity:

"The marriage having made them one person (husband  
and wife), the blood relations of each are held as  
related by affinity in the same degree to the one

Miss Mary Edna Cruzen,

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spouse as by consanguinity to the other. But the relationship is only with the married parties themselves and does not bring those in affinity with them in affinity with each other; so a wife's sister has no affinity to her husband's brother."

Mrs. Jones' husband is related to the husband's sister's husband by affinity. The sister and her husband are also related by affinity. Under the foregoing rules, however, we are of the opinion that the fact that Mrs. Jones is related to the husband's sister by affinity does not make Mrs. Jones related to the sister's husband by affinity.

It is therefore the opinion of this Department that Mrs. Jones is not related to her husband's sister's husband either by affinity or consanguinity, and if one were to appoint the other to office, such act would not be in violation of Section 13 of Article XIV of the Constitution of Missouri.

Very truly yours,



Assistant Attorney General.

APPROVED:

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Attorney General.

FWH:S