

OPINION NO. 383  
Answered by Letter  
(Randolph)

October 29, 1965



Honorable Charles G. Hyler  
Prosecuting Attorney  
St. Francois County  
Farmington, Missouri

Dear Mr. Hyler:

This letter is in answer to your request for an opinion, dated October 15, 1965, in which you ask the following questions:

"The Magistrate Judge of St. Francois County, Francis W. Rentfro, plans on appointing a lady as deputy clerk. This lady's mother married a man by the name of Gower. Mr. Gower and Judge Rentfro are second cousins.

"My question is the following:

"Is Judge Rentfro and the lady he expects to appoint, who is Mr. Gower's stepdaughter, related by affinity so as to fall within the constitutional provision?"

On October 14, 1965, we forwarded to you several opinions including an opinion dated November 10, 1934, to Owen C. Rawlings, which opinion we believe directly answers your question.

Under the provisions of Article VII, Section 6, of the Constitution of Missouri, and under the facts you have stated, the prospective employee is not a blood relative of the magistrate and hence not related by affinity, State v. Thomas, 351 Mo. 804, 174 S.W. 2d 337.

Honorable Charles G. Hyler

Also, the prospective employee is not related to the magistrate within the fourth degree, which is prohibited by the said constitutional provision.

Yours very truly,

NORMAN H. ANDERSON  
Attorney General

DLR/sj