

MARRIAGE: Rabbis have the power and authority to solemnize marriages
RABBIS: in this state.

OPINION NO. 309

July 12, 1967

Honorable Kenneth J. Rothman
State Representative - District 36
St. Louis County
Missouri House of Representatives
Capitol Building
Jefferson City, Missouri



Dear Representative Rothman:

This is in response to your request for an opinion from this office, which request states:

"I respectfully request an opinion of the Attorney General on the question of whether, under §451.100, RSMo 1959, or any other section of the revised statutes, a rabbi is authorized to solemnize marriages."

Section 451.100, RSMo 1959, pertains to those persons authorized by law to solemnize marriages and states:

"Marriages may be solemnized by any licensed or ordained preacher of the gospel, who is a citizen of the United States, or who is a resident of this state and a pastor of any church in this state, or by any judge of a court of record, except judges of the probate court."

A general rule in statutory interpretation is to seek the legislative intent from the words used and ascribe to these words a plain and rational meaning. Missouri Digest, Vol. 26, Statutes, Section 180.

76 C.J.S., Religious Societies, Section 39, page 794, defines "a minister of the gospel" as a:

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"* * *spiritual teacher, and, within the meaning of the marriage acts requiring one to be such before he can be licensed to marry, the term is construed broadly to refer to ministers of any form of religion or faith."
(Emphasis added.)

76 C.J.S., supra, defines an "ordained minister" as:

"* * *one consecrated to the ministry by some act of admitting and setting apart. In general acceptance a duly ordained minister is one who has followed a prescribed course of study of religious principles, has been consecrated to the service of living and teaching that religion through an ordination ceremony of an established church by which he has been commissioned, and who is subject to the control and discipline of the church by which he was ordained. Within the meaning of the marriage acts requiring one licensed to marry to be an 'ordained minister', the term is not confined to the Christian ministry." (Emphasis added.)

Applying a natural and reasonable interpretation to the language found in Section 451.100, supra, it is the opinion of this office that the term Rabbi was intended by the Legislature to be included in the meaning of "licensed or ordained minister of the gospel" and, therefore, a Rabbi is authorized by Section 451.100, supra, to solemnize marriages.

CONCLUSION

It is the opinion of this office that Rabbis have the power and authority to solemnize marriages in this state.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Gerald L. Birnbaum.

Very truly yours,


NORMAN H. ANDERSON
Attorney General