

September 29, 1935

Arizona State Tax Commission,
Income Tax Division,
Capitol Building,
Phoenix, Arizona

Attention: Mr. Emmet M. Barry, Director

Gentlemen:

This will acknowledge receipt of your letter of September 26th, in which you seek the opinion of the Attorney General upon the following questions:

"May a state officer appoint as a deputy or clerk the father of said state officer's son's wife, without violating the provisions of Chapter 52, Laws of the Tenth Legislature, Regular Session?"

Chapter 52, Session Laws 1931, provides that:

"It shall be unlawful for any executive, legislative, ministerial or judicial officer to appoint or vote for the appointment of any person related to him by affinity or consanguinity within the third degree * * *"

Under the Civil Law and the Cannon Law whence the Common Law of this question is derived, affinity means relationship by marriage between the husband and the blood relations of his wife, and between the wife and the blood relations of the husband. (See 1 Blackstone Comm., page 438, C. J., page 377).

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Blood relations of the husband and blood relations of the wife are not related to each other by affinity. (See 2 C. J. 378, 6 R.L.S. 713 and cases cited therein.)

Under the rules stated above I am of the opinion that an officer is not related by affinity to his son's wife's father and his appointment will not violate Chapter 52, Laws of the Tenth Legislature.

Yours very truly,

Attorney General

Assistant Attorney General

PHE/ND

