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OPINION NO. 86-371

September 23, 1986

The Honorable B. G. Hendrix
Representative, District 26
2215 South 40th Street
Fort Smith, Arkansas 72903

Dear Representative Hendrix:

We are in receipt of your letter wherein you request a clarification of Ark. Stat. Ann. §55-216 which enumerates the persons who may solemnize marriages. You quote the following language which provides that marriages may be solemnized "By any official appointed by the Quorum Court of the county where the marriage is to be solemnized who is appointed for that purpose."

Your specific questions are:

May the Quorum Court appoint any person it chooses as an official to solemnize marriages in the county?

If the answer to the above question is "No", what qualifications must a person possess to be eligible for such appointment?

The persons who may lawfully solemnize marriage are set forth in Ark. Stat. Ann. §55-216 (1985 Cum. Supp.). That section provides in pertinent part:

For the purpose of being registered and perpetuating the evidence thereof marriage shall be solemnized only by the following persons:

First, by the Governor of the State for the time being.

Second. By any judges of the courts of record within this State, including any former judge of a court of record who served at least four (4) or more years.

Third. By any justice of the peace of the county where the marriage is solemnized including any former justice of the peace who served at least three (3) or more terms since the passage of Amendment 55 to the Arkansas Constitution.

Fourth. By any regularly ordained minister or priest of any religious sect or denomination.

Fifth. By the mayor of any city or town.

Sixth. By any official appointed by the Quorum Court of the county where the marriage is to be solemnized who is appointed for that purpose.

Seventh. Marriages solemnized through the traditional rite of the religious Society of Friends, more commonly known as Quakers, is hereby recognized as valid to all intents and purposes the same as marriages otherwise contracted and solemnized in accordance with law. The functions, duties and liabilities of a party solemnizing marriage, as set forth in the marriage laws of this State, shall, in the case of marriages solemnized through the traditional marriage rite of the Religious Society of Friends, be incumbent upon the clerk of the congregation, or in his absence, his duly designated alternate.

In answer to your first question, the answer is that the Quorum Court may not appoint any person it chooses to solemnize marriages in the county. In construing the provisions of the sixth subparagraph of §55-216 we follow the principles of ejusdem generis. That principle holds that where general words follow specific words in a statutory enumeration, the general words are construed to embrace only objects similar in nature to those objects enumerated by the preceding specific words. In this case, the preceding five subsections specify specific officials of state, county and municipal government, and ordained

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ministers. Since the general term "official" follows this list of specific terms, we construe the term "official" to mean an official of county government.

Following this analysis to its logical conclusion, the answer to your second question is that to be eligible for such appointment a person must be an official of the county government.

The foregoing opinion, which I hereby approve, was prepared by Assistant Attorney General Arnold M. Jochums.

Sincerely,

A handwritten signature in dark ink, appearing to read "Steve Clark", written over a horizontal line.

STEVE CLARK
Attorney General

JSC:AMJ:jk