

*Mr. Adair*



The State of South Carolina  
OFFICE OF THE ATTORNEY GENERAL

HENRY McMASTER  
ATTORNEY GENERAL

May 12, 2004

The Honorable J. Phil Gilbert  
United States District Courthouse  
301 West Main Street  
Benton, Illinois 62812

Dear Judge Gilbert:

In a telephone call to this office you raised the question as to whether you can conduct a marriage ceremony in South Carolina. S.C. Code Ann. Section 20-1-20 (1985) provides that "(o)nly ministers of the Gospel or accepted Jewish rabbis and officers authorized to administer oaths in this State are authorized to administer a marriage ceremony in this State."

I have been advised by a letter from Mr. David N. Adair, Jr, Associate General Counsel, Administrative Office of the United States Courts, that you are authorized to administer oaths in the State of South Carolina. He indicated in his letter that oaths or affirmations and acknowledgments may be taken by any justice or judge of the United States pursuant to the provisions of 28 U.S.C. § 459 and that there are no territorial limitations on such authority. Mr. Adair concluded that he was of the view that you would have the authority to conduct a marriage ceremony in South Carolina. This office defers to Mr. Adair's interpretation.

Based upon the conclusion of Mr. Adair, it is my opinion that you as a United States District Judge would be authorized to conduct a marriage ceremony in South Carolina pursuant to the provisions of Section 20-1-20.

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If there is anything further, please do not hesitate to contact me.


Sincerely,



Charles H. Richardson  
Senior Assistant Attorney General

cc: Ms. Sherry Bryan  
Beaufort County Probate Court  
P. O. Box 1083  
Beaufort, South Carolina 29901

REVIEWED AND APPROVED BY:



Robert D. Cook  
Assistant Deputy Attorney General