

CIRCUIT CLERKS AND RECORDERS: Quarterly report to be filed with County Clerk.

January 20, 1937.



Honorable Willis H. Mitchell  
Prosecuting Attorney  
Douglas County  
Ava, Missouri

Dear Sir:

We acknowledge your letter of January 4, 1937, requesting an opinion which reads as follows:

"We would like to have your construction of Section 11814 of 1933 Session Acts.

"The point at issue is, whether or not the Circuit clerk (also Recorder) or as recorder, is compelled to make an itemized list of all fees collected in Recorder's office showing who paid each item the date etc. in his report to County Court.

"Or whether or not it is just the fees charged and not paid. Or whether or not it is so many marriage licenses at so much, etc.)

The pertinent part of Section 11814, Laws of 1933, p. 372, provides:

"\* \* \* Such clerk shall, at the end of each quarter, file with the county clerk a report of all fees paid and accruing to his office during such quarter, stating the title of the case or on what account such fees were charged, together with the names of the persons paying or who are liable for same, with the names of all sureties, where security for costs has been required, and which report shall also show which of such fees have been paid and the total amount thereof, and what fee bills, if any, have been issued and for what fees and when placed in the hands of the sheriff for collection,

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and further stating that, after due diligence, he has been unable to collect the fees reported unpaid, and which said report shall be verified by the affidavit of such clerk.  
\* \* \* \*"

Your question is a matter of statutory construction, and in such cases section 655 R. S. Mo. 1929, provides in part:

"The construction of all statutes of this state shall be by the following additional rules, unless such construction be plainly repugnant to the intent of the legislature, or of the context of the same statute: First, words and phrases shall be taken in their plain or ordinary and usual sense, but technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import, \* \* \* \*."

#### CONCLUSION.

The language of section 11814, supra, is simple English and there are no technical words or phrases for construction. It is the circuit clerk's duty to follow the Statute in making his quarterly report to the county court.

The Legislature has provided that the circuit clerk (Recorder) list: (1) all fees paid to his office during the quarter; (2) all fees not paid but accruing to his office during the quarter; (3) the title to the case, or on what account such fees are charged; (4) the name of persons paying or liable payment of fees; (5) the names of sureties, where sureties have been required; (6) all fees paid to his office during the quarter, and the total of same; (7) the identity of fee bills issued

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by him and the date he gave same to the sheriff for collection; (8) he is to state that after due diligence he has been unable to collect same and the report is to be verified under oath that the facts therein contained are true to his best knowledge and belief.

Respectfully submitted

WM. ORR SAWYERS  
Assistant Attorney General.

APPROVED:

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J. E. TAYLOR  
(Acting) Attorney General.

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