

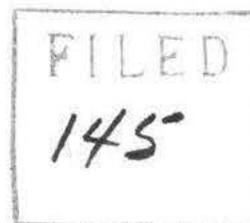
CIRCUIT CLERKS:

The Clerk of the Circuit Court of the City of St. Louis does not have discretionary authority to invest funds deposited in the registry of the court in United States Treasury Notes under Section 483.310, RSMo 1959.

OPINION NO. 145

March 20, 1970

Honorable Richard J. Rabbitt
Representative - District 68
4340 Forest Park
St. Louis, Missouri 63108



Dear Mr. Rabbitt:

This official opinion is issued in response to the request contained in your letter forwarding a letter from Mr. Joseph P. Roddy, Clerk of the Circuit Court of the City of St. Louis.

The question concerns the legal right of the Circuit Clerk of the City of St. Louis to invest funds in his care in United States Treasury Notes under Section 483.310, RSMo 1959. Section 483.310, RSMo, in pertinent part provides as follows:

"The circuit clerks in counties of the first class are hereby authorized and empowered to invest funds placed in the registry of the circuit court in savings deposits in banks carrying federal deposit insurance to the extent of the insurance * * * "

A prior opinion of this office expressed the view that the City of St. Louis is a county of the first class insofar as concerns the application of this statute relating to investment of funds. Attorney General Opinion No. 451, dated November 13, 1969, issued to the Honorable Richard J. Rabbitt.

Accepted principles of statutory construction require a finding that the legislature intended to grant authority for circuit clerks to invest funds "in savings deposits in banks carrying federal deposit insurance to the extent of the insurance" only, and to the exclusion of discretionary authority to invest in any other manner. It is well settled that the express mention in a statute of one

Honorable Richard J. Rabbitt

thing implies the exclusion of another; where special powers are expressly conferred or special methods are expressly prescribed for the exercise of the power, other powers and procedures are excluded. *Brown v. Morris*, 365 Mo.946,290 S.W.2d 160; *Lancaster v. Atchison County*, 352 Mo.1039, 180 S.W.2d 706.

In *City of Hannibal v. Minor*, 224 S.W.2d 598 (St. Louis Court of Appeals), the court said:

" * * * There is a fundamental principle of construction which has been recognized and applied from time immemorial by our courts to such questions as we have here. It is embodied in the maxim: 'Expressio unius est exclusio alterius' which means that the express mention of one thing, person or place implies the exclusion of another. * * * "

In Attorney General Opinion No. 223, dated October 27, 1969, issued to Senator Don Owens, it was concluded that the Director of Revenue of the State of Missouri, as an insurer of that portion of the intangible personal property tax collected by him for local political subdivisions of the state, may deposit the moneys in bank time deposit accounts which draw interest. It should be observed, however, that no statute similar to Section 483.310, RSMo 1959, relating to circuit clerks governs the deposit of such moneys by the Director of Revenue. The existence of the statute in the present case requires the conclusion reached herein.

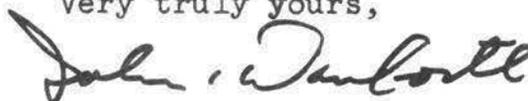
It is our view that the discretionary power given to circuit clerks of first class counties does not extend beyond the type of investments specifically set forth in the statute. Accordingly, it does not extend to or authorize investment in United States Treasury Notes.

CONCLUSION

Therefore, it is the opinion of this office that the Clerk of the Circuit Court of the City of St. Louis does not have discretionary authority to invest funds deposited in the registry of the court in United States Treasury Notes under Section 483.310, RSMo 1959.

The foregoing opinion, which I hereby approve, was prepared by my assistant, John E. Park.

Very truly yours,



JOHN C. DANFORTH
Attorney General