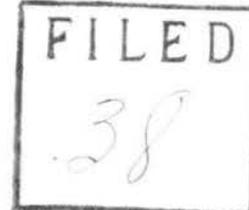


Right of witness and stenographer to be paid legal fees
from fund appropriated to pay election contest expenses.

May 26, 1933



Honorable T. J. Harper
Prosecuting Attorney Stone County
Galena, Missouri

Dear Sir:

Your letter reads as follows:

"RESOLUTION.

WHEREAS, from the report of the Election Committee in the case of H. J. Warren, contestant vs Lee Hurst, contestee, it appears that the said Lee Hurst as contestee is not chargeable with any fraud or knowledge of any fraud or any conspiracy to defraud the said H. J. Warren, but that the said Lee Hurst acted in good faith in accepting the certificate of election, therefore,

BE IT RESOLVED that, in full compensation for the expense of his attorney and the expense of securing witnesses and taking depositions, the sum of \$250.00 be allowed and that, upon the adoption of this resolution, the Chief Clerk of the House be authorized and directed to certify this item of expense to the State Auditor and the State Treasurer to be paid out of the contingent funds of the House; and a warrant for the same to be drawn in favor of G. PURD HAYES and RUFUS SCOTT.

Will you please give me your opinion as to the intent of the Legislature when adopting this resolution, did they intend for

Honorable T. J. Harper

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May 26, 1933

this \$250.00 to take care of the expenses of the Justices of the Peace the stenographer, witness fees and attorney fee, or did they intend for this entire amount to be solely attorney fees?***"

It is the opinion of this Department the intention of the Legislature was to appropriate the two hundred and fifty dollars to pay attorney's fees, witness fees and if a stenographer was necessary, the stenographer fees and the fees of officer before whom any deposition may have been taken.

Very respectfully,

EDWARD C. CROW.

APPROVED:

Attorney General.

BCC:LC