

CIRCUIT CLERKS - Fees in criminal cases under Section 11785  
for incorporating bill of exceptions into  
transcript.

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December 28, 1934



Honorable Forrest Smith  
State Auditor  
Jefferson City, Missouri

Dear Sir:

We have your request of December 19,  
1934 for an opinion, which in part is as follows:

" \*\* the Circuit Clerk of Douglas  
County, Missouri, claims that he  
is entitled to 5¢ per hundred words  
for the incorporation of a copy of  
the bill of exceptions in his  
transcript to the Supreme Court  
as provided under Section 11785,  
R. S. Mo. 1929, which provides as  
follows:

' \*\*that in counties contain-  
ing less than forty-five  
thousand inhabitants, in  
cases in which the party  
applying for such transcript  
shall furnish to the clerk  
of any circuit court, court  
of common pleas, or criminal  
courts, a typewritten copy  
of any bill of exceptions, or  
any part thereof, then it shall  
be the duty of such clerk, at  
the request of the party so  
applying, to incorporate such  
copy into such transcript, and  
for the part so incorporated  
he shall receive only five  
cents per hundred words and  
figures.'

#2 - Honorable Forrest Smith

"We would be pleased to have the opinion as to what charge he is rightfully entitled to."

In an opinion dated June 23d, 1933, this department construed the term "transcript", as used in Section 11787, R. S. Mo. 1929, but that opinion did not in any way construe Section 11785, R. S. Mo. 1929 quoted in your letter.

The statute (11785) relates to the fees of clerks of circuit courts and of courts of common pleas; the first part of the statute refers to the fees in civil cases, while the latter part refers to fees in both civil and criminal cases. We do not at this time pass upon the constitutionality of this act as to whether or not it meets with the requirements of the Constitution with reference to the title of the act. However, the plain meaning of the statute is clear; it is made the duty of the clerk to incorporate any bill of exceptions into the transcript, and for such services he shall receive five cents per hundred words and figures.

It is, therefore, the opinion of this office that the circuit clerk is entitled, under this section, to five cents per hundred words for incorporating such bill of exceptions into the transcript.

Yours very truly,

FRANKLIN E. REAGAN  
Assistant Attorney General

APPROVED:

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ROY McKITTRICK  
Attorney General

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