

CIRCUIT CLERK: Entitled to fee of 75¢ for summoning petit jury for regular term of Circuit Court.

8-14
July 30, 1935.



Hon. Wallace V. Coleman,
Clerk of Circuit Court,
Jefferson County,
Hillsboro, Missouri.

Dear Sir:

This department is in receipt of your letter of July 1 wherein you make the following inquiry:

"In preparing the summons for 24 regular jurors and 24 alternate jurors to serve at a regular term of court, the office of Clerk of Circuit Court is put to considerable amount of work for which I am unable to find in the Revised Statutes of Missouri, 1929, a section providing a fee for this act.

"Please inform me if a Clerk of said court may claim compensation for performance of this duty."

Under Sec. 8758, R.S. Mo. 1929 it is your duty to issue the summons for the petit jurors, said section being as follows:

"The names of the persons so drawn shall be recorded by the county clerk in the records of the county court, and he shall as soon thereafter as practicable deliver to the clerk of the court for which such jury is drawn a certificate thereof, who shall record the same in a book to be provided for that purpose. And

the clerk of the court for which the jury is drawn shall immediately thereafter issue a summons to the sheriff of the county, directing him to summon the persons thus drawn as petit jurors to appear on such day of the term of such court as shall be named in such summons by the clerk of said court to serve as petit jurors; and it shall be the duty of the sheriff to make service of such process at least ten days before the first day of the term of court for which such persons are drawn, which summons shall be served by reading the same to the person so summoned or by leaving a copy of the summons at his usual place of abode with some member of the family over fifteen years of age, except in such cases as may be hereafter provided."

We have followed carefully the items of fees for circuit clerks under Sec. 11785, R.S. Mo. 1929 and we find no item which could be construed as entitling you to any fee for the summoning of a petit jury. However, Section 11787, R.S. Mo. 1929, which relates to "Fees of clerks of criminal courts", contains the following provision:

"For a venire to summon a grand or traverse jury when one shall have been actually ordered and issued.....\$.75",

which we believe is applicable to your question.

CONCLUSION

We are of the opinion that you as Clerk of the Circuit Court of Jefferson County are clerk of a court possessing criminal jurisdiction as contained in Section 11787, supra. You are therefore entitled to a fee of \$.75 for summoning the petit (traverse) jury for the regular term of the Circuit Court.

Respectfully submitted,

OLLIVER W. NOLEN,
Assistant Attorney General.

APPROVED: