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SALARIES AND FEES: Court Reporter's salary is payable on the certificate of the circuit judge alone being presented to the county treasurer. No approval of the county court is required.

11-1-35

October 29, 1935.



Honorable Lewis A. Duval,
Prosecuting Attorney,
Macon, Missouri.

Dear Sir:

We are in receipt of your inquiry as follows:

"There is a question between the County Court and the Court Reporter relative to payment of the Reporter's salary under Section 11720 R. S. 1929. The question appears to be whether the certificate of the circuit Judge shall be handled through the County Court as bills payable or whether the certificate of the Circuit Judge is an order on the County Treasurer to be paid by the Treasurer upon presentation of the Circuit Judge's certificate by such Reporter.

"Will you kindly advise as soon as possible. I am also forwarding a letter prepared by the Court Reporter for any additional information it may contain in the matter."

And in connection therewith is received a letter from the Court Reporter touching on the same subject as your letter.

Replying thereto, Section 11720, R. S. Mo. 1929, provides the method of payment of the salary of the court reporters and in each of the classifications with respect to population uses the following language:

" * * * payable in equal monthly installments out of the county treasury on the certificate of the judge in whose court he is employed."

The fair and, we believe, plain meaning of this provision is that said monthly salary is to be paid out by the county treasurer when the certificate of the judge in whose court the reporter is employed is presented to the county treasurer. The legislature in enacting this provision doubtless had in mind that the public was properly safeguarded from imposition or the payment of an unjust claim for salary by requiring that before such salary be paid, it must be first certified by the judge in whose court the reporter is employed. The judge of that court has personal knowledge of the facts and occupies a dignified, responsible and honorable office by virtue of the direct vote of the people of the district, and he is the logical person to pass on such question.

Section 12162 is a general statute prescribing the rights and duties of the county court.

Section 12163 applies to such demands only as are "presented to the county court".

Likewise, sections 12169 and 12170 only apply to sums of money found by the county court to be due from the county.

Section 11720, being a special statute, must prevail as against the general statute where they are not in harmony. This special statute, by providing that this money shall be paid out on the certificate of the judge in whose court the reporter is employed, signifies the intent of the lawmaking body that this is the necessary and only act required to be done in order to justify the county treasurer in paying this money.

Sections 12163, 12169 and 12170 appear to deal with only such demands as are presented to the county court or such sums as are found by the county court to be due, and with warrants drawn on account thereof, while Section 11720 appears to contemplate that the reporter's salary need not be submitted to the county court, it having been certified by the circuit court.

October 29, 1935.

CONCLUSION

It is our opinion that the court reporter's monthly salary is payable upon a certificate from the circuit judge or judge in whose court the reporter has performed his services being presented to the county treasurer, and that no affirmative action pertaining thereto is required by the county court.

Very truly yours,

BRUCE WATSON,
Assistant Attorney General.

APPROVED:

JOHN W. HOFFMAN, Jr.,
(Acting) Attorney General.

DW:HR