

STATUTES:
REPEAL OF STATUTES:
EFFECT OF REPEAL:

The effect of the repeal of a
statute is to revoke or recall
the provisions of same.

December 5, 1939

Mr. John P. Sherrod
Recorder of Deeds
Jackson County
Kansas City, Missouri



Dear Sir:

This is in reply to your request for an official
opinion from this department based on the following state-
ment:

"On page 840 Revised Statutes of
Missouri, under subject 'Taxation
and Revenue', will you kindly refer
to the act repealing section 9784, and
advise me whether my interpretation
is correct, namely, that this Record-
er's Office cease the use of the Land
List:"

The section of the statute to which you refer
as being repealed is 9784, R. S. Missouri 1929, which
provides as follows:

"On or before the first day of June,
1883, the county court of each
county in the state, except in the
city of St. Louis, shall furnish
the county recorders of the respective
counties with a book, to be known as
and denominated the 'land list,'
which shall contain all lands in
the county, arranged as nearly as
may be in numerical order of range,
township, sections and parts of
sections, by the least legal sub-
divisions, lots or parcels, when
sections or subdivisions thereof

are subdivided into lots or parcels; and all lots or parcels of land in cities, towns or villages, according to the number of block, lot or parcel, and all lands designated by numbered surveys or parts of surveys, and all lands that can be described in numerical order, shall be placed in the 'land list,' with the owner's name, if known, and if not known, then the name of the original patentee, grantee or purchaser from the federal government, state or county, as the case may be, opposite thereto-- the lowest numbered range, township, section, block or survey always to be placed first in the list in making up the book. In making up this book, if there be any land in any section or block that cannot be described as set forth above, it shall be otherwise briefly described, indicating the quantity and location thereof, with the owner's name, if known, alphabetically arranged opposite thereto, and be placed at the foot of the descriptions of the lands in the section or block of which it forms a part. The book shall be arranged in tabular form with suitable captions. It shall contain twelve ruled columns, ten of which shall be left blank; the first column shall contain the name of the owner; the second column shall contain an accurate description of the land. The recorder shall, whenever any deed conveying the title to real estate in the county is left with him for record, before recording the same, enter in the blank space in the 'land list,' opposite

and next to the description of the land so conveyed, the name of the purchaser and date of purchase, and if there be any change in the description of the land from that already entered in the 'land list', he shall also note that variance by stating what part or parcel of the original has been so conveyed. As compensation for the compliance with the requirements of this section the recorder shall receive the sum of ten cents for each peice so transferred, to be paid by the party presenting the deed for record. Upon failure to comply with the requirements of this section, the recorder so neglecting shall be liable on his bond in any sum not less than twenty-five dollars or more than one hundred dollars for each neglect to enter said transfers. If, in making up the 'real estate book,' the assessor finds that the recorder has failed, as above stated, he shall at once notify the county attorney, who shall forthwith commence suit against the recorder and his bondsmen in the name of the state of Missouri, and for the use and benefit of the school fund."

By Senate Bill number 134, Laws of Missouri, 1939, page 840, an act was passed by the General Assembly to repeal said Section 9784. This act was approved on May 22, 1939, and your question is as to whether or not this repealing act relieves you from performing the duties imposed on your office by virtue of the provisions of said Section 9784.

In Volume 59 Corpus Juris, page 899, paragraph 498, the term "repeal" as it applies to statutes, is defined as:

"The primary meaning of the word 'repeal,' as used in speaking of the repeal of a statute, is, as

its etymology imports, the recalling or revoking of the statute."

This term is plain and does not need any further definition.

It appears from your request that you are in doubt of whether or not you continue to make up a record known as the "land list." You will note that Section 9787, R. S. Missouri 1929, provides as follows:

"Nothing in the preceding five sections shall be construed to apply to counties which have already adopted a method of plats and abstracts to facilitate the assessment and collection of the revenue; nor shall the provisions of the preceding five sections apply to counties having a less population than forty thousand, unless a majority of the voters in any such county shall elect to adopt its provisions at a general election, upon the question being ordered to be submitted by the county court: Provided, that in counties having a population of over forty thousand the county court may, in addition to the foregoing provisions for securing a full and accurate assessment of all property therein liable to taxation, or in lieu thereof, by order entered of record, adopt for the whole or any designated part of such county any other suitable and efficient means or method to the same end, whether by procuring maps, plats or abstracts of titles of the lands in such county or designated part thereof or otherwise, and may require the assessor, or any other officer, agent or employe of the county to carry out the same, and may provide the means for paying

therefor out of the county treasury."

And, of course, if the county court of your county has adopted a method of plats and abstracts to facilitate assessments and collection of revenue, then the repealing of Section 9784 would not affect you and you would still have to continue the plan adopted by your county. However, if you are affected by the repeal of said Section 9784, we think that you are still required, under Section 11546, to make and keep a record which is very similar as required in the repealed Section 9784. Said Section 11546, provides as follows:

"The recorder of each county in this state shall keep in his office a well-bound book or books, to be known as the 'abstract and index of deeds,' which shall have appropriate columns properly ruled and headed for each of the following items, namely: Names of grantors and grantees, date of instrument, date of filing instrument for record, nature of instrument, book and page where recorded, description of land conveyed or affected; said books shall be divided into two equal parts, the front part to be alphabetically arranged for the names of grantors, and the back part to be alphabetically arranged for the names of grantees."

By comparing Sections 9784 and 11546, it seems that almost the same information is required to be kept by the recorder. Since Section 11546 is not repealed, then, of course, you would have to continue your duties as prescribed by that section.

CONCLUSION.

It is, therefore, the opinion of this department if your county has not already adopted a method of plats and abstracts to facilitate assessments and collection of

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revenue other than that which was provided under Sections 9782 to 9786, inclusive, then since said Section 9784 is repealed, of course, you would not be required to perform the duties imposed by that section which included the making and keeping of the "land list."

We are further of the opinion, however, that under said Section 11546, you are required to make and keep a record indexed directly and indirectly, the grantors and grantees, showing practically the same information which is required to be shown in the "land list book."

Respectfully submitted,

TYRE W. BURTON
Assistant Attorney General

APPROVED:

W. J. BURKE
(Acting) Attorney General

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