

MAGISTRATE JURIES: Board of jury commissioners and
CIRCUIT CLERKS: circuit clerk to select magistrate
BOARD OF JURY COMMISSIONERS: juries in counties of the third and
fourth classes.

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Hon. W. R. Walker
State Senator, 16th District
Capitol Building
Jefferson City, Missouri

Dear Senator Walker:

This is in reply to your letter requesting the official opinion of this department on the following question:

"Who has the authority to pick the Magistrate Court Jury, the Circuit Clerk or the County Clerk, since the law was passed making the Circuit Clerk Jury Commissioner?"

You have informed us that you have reference particularly to counties of the third and fourth classes.

The act of the Legislature relating to the selection of magistrate juries is found in the Laws of Missouri, 1947, Volume I, page 249. Said act prescribes certain duties to be performed by the county court and the clerk of the county court. Section 5 of that act provides that in all counties wherein grand and petit jurors are selected by a board of jury commissioners, such board of jury commissioners and the clerk thereof shall perform the duties imposed by said act upon the county court and clerk of the county court.

Section 704(a) of an act of the Legislature, found in Laws of Missouri, 1947, Volume II, page 274, creates a board of jury commissioners in each county of the third and fourth class, and further provides that the clerk of the circuit court of such county shall be ex officio clerk of said board of jury commissioners.

Thus, in counties of the third and fourth classes there exists a board of jury commissioners, the clerk of the circuit court of such counties serving as clerk thereof. Therefore, under the provisions of Section 5, supra, the board of jury commissioners and clerk of the circuit court in such counties shall perform the duties imposed upon the county court and clerk of the county court by said act in the matter of the selection of magistrate juries.

Conclusion.

Therefore, it is the opinion of this department that in counties of the third and fourth classes the board of jury commissioners and the clerk of the circuit court are required to perform the duties imposed upon the county court and clerk of the county court in said counties by the act of the Legislature, found in the Laws of Missouri, 1947, Volume I, page 249, in the matter of the selection of the magistrate juries.

Respectfully submitted,

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RRW:ml

APPROVED:

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