

RECORDER OF DEEDS:  
FEES AND SALARIES:  
COMPENSATION:  
VETERAN'S DISCHARGES:

The recorder in third class counties is required and permitted to furnish only one free copy of a veteran's discharge on his request to be paid for by the County Court, if such discharge has been recorded, and the recorder is permitted to retain the one 50¢ fee for each discharge so furnished.

May 25, 1962



Honorable Floyd L. Sperry, Jr.  
Prosecuting Attorney  
Henry County  
Clinton, Missouri

Dear Mr. Sperry:

Your inquiry concerning fees of recorders in counties of the third class reads as follows:

"I would like an opinion concerning the following matter having to do with the fees of recorders in Counties of the Third Class in this State.

"Section 59.490 of the Revised Statutes of Missouri, 1959 in sub-section one (1) provides that it is mandatory that the recorder furnish to veterans one copy of the veterans discharge if that discharge has been recorded. Subsection two (2) of the same section provides that the recorder shall be paid by the County the sum of 50¢ for 'each certified copy of the discharge that he furnishes'.

"I would like your opinion as to whether the County Court in their discretion may instruct the Recorder to give as many as two copies of a veterans discharge to him and whether they may pay the recorder 50¢ each for the same either under the above noted language found in sub-section two (2) or under other powers of the County Court in administering the business of the County."

Your inquiry involves primarily an interpretation of Section 59.490, RSMo 1959. This section provides that the

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recorder shall furnish to veterans one certified copy of the discharge upon request of the veteran and that the recorder shall be paid by the county the sum of 50¢ for each certified copy of the discharge that he furnishes. You inquire as to whether the recorder can furnish additional certified copies and charge 50¢ for each of these additional copies furnished to a single individual veteran.

The above cited section provides that the recorder shall furnish one certified copy of the discharge upon request of the veteran and in the same section provides that this 50¢ fee shall not be deemed to be an accountable fee. It thus appears from this phraseology that the legislature has provided for the receipt by each veteran of the one free certified copy of his discharge for which the recorder shall receive 50¢ as an unaccountable fee. Both on the question of the number of free certified copies of the discharge that can be supplied and on the question of the fee for that one discharge being unaccountable the legislature has indicated what should be the public policy of this state. It is our view that the provisions of Section 59.490 referred to above do provide for one certified copy to be furnished the veteran and that Section 2 of such section in reference to "each certified copy of discharge" refers to the previous one free copy.

Further, the County Court is authorized only to do that which the statutes authorize the Court to do or is necessarily implied therefrom. Since there is no authorization for the County Court to make such payments over and above the one discharge, it is prohibited from so doing.

We must keep in mind that statutes which provide for compensation to public officers are customarily strictly construed against such officers. (See *Nodaway County v. Kidder*, 123 S.W. 2d 857, 344 Mo.) Under the above cited statute it is made the duty of the recorder to furnish one certified copy, upon request, of the veterans discharge for which the recorder shall receive 50¢. If we interpret this section as permitting the furnishing of two or any number of additional copies, then the terminology providing for one copy would become surplusage. Thus it follows that the recorder is entitled only to the one 50¢ fee in connection with furnishing a free certified copy of the veteran's discharge to each veteran on his list.

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CONCLUSION

Therefore it is the opinion of this office that the recorder in third class counties is required and permitted to furnish only one free copy of a veteran's discharge on his request to be paid for by the County Court, if such discharge has been recorded, and the recorder is permitted to retain the one 50¢ fee for each discharge so furnished.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Clyde Burch.

Yours very truly,

THOMAS F. EAGLETON  
Attorney General

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