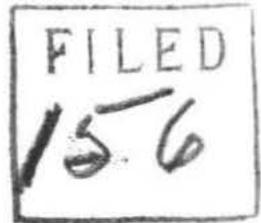


Opinion No. 156 answered
by letter (O'Malley)



April 9, 1963

Honorable Daniel V. O'Brien
Prosecuting Attorney
St. Louis County Courthouse
Clayton, Missouri

Dear Mr. O'Brien:

This letter of advice is submitted in lieu of a formal opinion in reply to your inquiry reading as follows:

"We have been requested to obtain an Attorney General's opinion in regard to the following question. Section 63.130 Missouri Revised Statutes provides that 'the County Courts shall provide and maintain proper offices for said constables adjacent to or in connection with the Magistrate Court - - -'.

"The question is whether or not this statute requires a constable to actually be physically adjacent or in connection with the Magistrate Court which he serves."

Section 63.130, RSMo 1959, provides:

"The county court shall provide and maintain proper offices for said constables adjacent to or in connection with the magistrate court and furnish public utilities, stationery and office supplies necessary to the efficient performance of the duties of his office."

The plain wording of the foregoing statute discloses a legislative mandate directed to the county court in the disjunctive. The offices are to be maintained either (1) adjacent to, or (2) in connection with, the magistrate court. One form of compliance is all that is required.

In *Nomath Hotel Co. v. K. C. Gas Co.*, 223 S.W. 975, 204 Mo.App. 214, 1. c. 234, the word "adjacent" is discussed in the following language:

"'Adjacent' is defined as being near or close at hand; adjoining; bordering. [New Standard Dictionary.] It does not at all times mean abutting but it is usually synonymous with abutting, adjoining and bordering. [In re Bridge Bonds, 128 Pac. 681.] It means contiguous, adjoining, lying close at hand, near. Its precise and exact meaning, however, is 'determinable principally by the context in which it is used and the facts of each particular case or by the subject-matter to which it is applied.' [1 Corp.Juris., 1196.] The term is a relative one and hence is necessarily governed by the nature and circumstances of that to which it is applied." (Underscoring supplied.)

When searching for a meaning to be given to the language "in connection with," as the same is used in Section 63.130, RSMo 1959, quoted supra, we recommend the language used by the Supreme Court of Missouri in the case of *Helpers of the Holy Souls v. Law*, 267 Mo. 667, 186 S.W. 718. When alluding to the corporation's power to maintain an organized society of the same name and in cooperation with it, the Supreme Court spoke as follows at 267 Mo. 667, 1. c. 675:

"Taking the foregoing alphabetical subdivisions in order, by the first the plaintiff corporation was empowered to maintain an organized society of the same name and in cooperation with it (for that is the meaning of the terms 'in connection with same') * * *."

Honorable Daniel V. O'Brien - 3 - April 9, 1963

Since the word "adjacent" has been demonstrated to be a relative term, and this office is without knowledge as to any feasible plans which the governing body of St. Louis County is in a position to carry out in relation to establishing offices for constables, it would not be proper for this office to direct how the mandate of the statute is to be carried out.

Very truly yours,

THOMAS F. EAGLETON
Attorney General

JLO'M:sr