

April 27, 1966

Opinion No. 257
Answered By Letter
(Mansur)

Honorable James L. Paul
Prosecuting Attorney
McDonald County
Pineville, Missouri 64856



Dear Mr. Paul:

In your letter of March 31, 1966, you requested an opinion from this office as follows:

"I would appreciate as soon as possible, an opinion from your office construing Section 482.030 of Vernons Annotated Statutes of Missouri as to the following portion contained therein: '**and shall be licensed to practice law in this state'.

"My question is, since the preceding qualification requires the Magistrate Judge to be 'a resident of the county for at least nine months, next, preceding his election', is it not true that he should also be licensed to practice law in this state for that same period of time."

Section 482.030, VAMS requiring judges of the magistrate courts in this state to have certain qualifications provides in part:

"1. Each judge of magistrate court shall be a qualified voter of this state, at least twenty-two years of age, and a resident of the county for at least nine months, next, preceding his election, and shall be licensed to practice law in this state; * * *"

In construing the statute the primary rule is to ascertain the lawmakers intent from the words used and put upon the language

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used its plain and rational meaning so as to promote the object and manifest purpose of the statute. *Kansas City v. Travelers Insurance Company*, 284 S.W.2d 874.

It is the opinion of this department that the nine months provision in the above statute applies only to the residence requirement and does not apply to the license to practice law provision of said statute.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Moody Mansur.

Yours very truly,

NORMAN H. ANDERSON

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