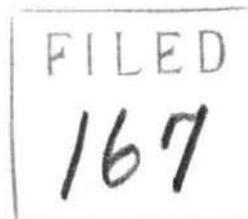


COUNTY COURT:
WOLF BOUNTY:

Person claiming bounty for killing
wild animals must personally sub-
scribe to oath before county clerk.

March 7, 1967

OPINION NO. 167



Honorable Thomas B. Burkemper
Prosecuting Attorney of Lincoln County
Troy, Missouri 63379

Dear Mr. Burkemper:

On February 7, 1967, you requested an opinion from this
office as follows:

"Under RS Mo. 279.020 a person who has killed
a wolf in the State of Missouri must produce
the whole pelt thereof for inspection by the
Clerk of the County Court within three days
after the killing of the animal and must then
make his affidavit to that affect.

"As a practical matter herein Lincoln County
we have individuals who cannot make that
affidavit within three days because they are
employed on a daily basis outside of the
County. These individuals very often send
their wives or relatives to the Court to
produce the pelt. However, as I understand
the statute, the only person who can make
the affidavit is the person who actually
killed the wolf. Consequently, many wolf
bounties have been lost to our County resi-
dents, causing hard feelings with our court.

"My question is this: Can our County Clerk,
upon having viewed and inspected the pelt,
accept an affidavit as required by the statute
signed before a Notary Public, and not before
the Clerk."

Honorable Thomas B. Burkemper

Section 279.010 Mo. Cum. Supp. provides in part that the County Court in each county shall pay a bounty for each coyote, wolf or pup and for each wildcat or kitten killed in the County provided it was not raised in captivity.

Section 279.020 Mo. Cum. Supp. provides in part:

"Any person claiming the bounty under this chapter shall produce the whole pelt of the coyote, wolf or wildcat, wolf or coyote pup, or wildcat's kitten and exhibit the same for inspection by the clerk of the county court within three days after the killing of such wild animal or animals, and shall take and subscribe an oath or affirmation that the pelt or pelts produced and exhibited by him had been killed by himself within the three days last past and within such county, and that such pelt or pelts were not taken from any wolf or wolves, wildcat or wildcats, coyote or coyotes, or from wolf or coyote pup or pups or wildcat kitten or kittens raised by him or any other person or persons of whom he had knowledge that such animals were raised in captivity.

"Following such oath or affirmation the said clerk of the county court shall then and there cause the ears of each wild animal pelt or pelts to be perforated by use of an ordinary gun wad cutter or similar device capable of removing a portion of the ears of such animal or animals, which said portion of said ears so removed shall not be smaller than the size of the bore of a twelve-bore shotgun, but not enough larger to spoil the value of such pelt or pelts to be used for commercial purposes.* * * *"

The primary rule of statutory construction is to ascertain and give effect to the intent of the legislature. *Kasten v. Guth*, 375 S.W.2d 110. Under the above statute, the person claiming a bounty must produce and exhibit the whole pelt of the animal for inspection by the clerk of the county court within three days after the killing and shall take and subscribe an oath or affirmation that the pelt exhibit by him was killed by himself within the last three days and within the county and that it was not

Honorable Thomas B. Burkemper

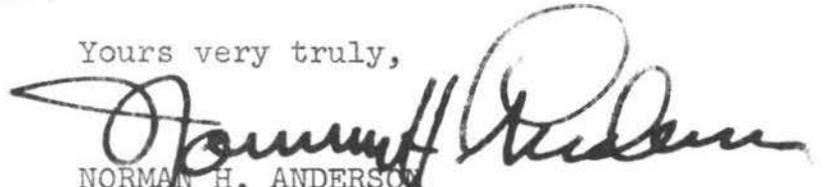
raised in captivity. Following such oath or affirmation, the clerk shall then and there cause the ear of said animal to be perforated in a manner provided in such statute. Considering the fact that under this statute only the person that killed the animal can exhibit it to the county clerk for inspection, we believe the legislature also intends that the oath or affirmation be subscribed in person before the clerk, and that the oath in affidavit form subscribed before a notary would not comply with this statute.

CONCLUSION

It is the opinion of this office that a person claiming a bounty for killing wild animals under Chapter 279 RSMo., 1959, as amended, must personally take and subscribe an oath or affirmation before the county clerk and that such oath in affidavit form subscribed before a notary public is not sufficient.

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

Yours very truly,



NORMAN H. ANDERSON
Attorney General