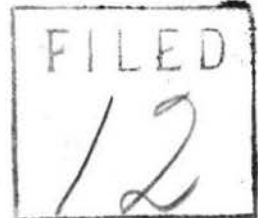


SHERIFF: Expenses necessary in execution of death warrant
are a charge on the sheriff.

July 10, 1936.

Mr. Birt P. Bryant
Circuit Clerk
Dunklin County
Kennett, Missouri



Dear Sir:

We acknowledge receipt of your request for an opinion dated July 4, 1936, which reads as follows:

"Section 11791 Revised Statutes of Missouri 1929, among other things sets out the following item:

" 'For executing every death warrant, to include all necessary expenditures in performing same \$125.00.' "

"In view of the above is the Sheriff required to pay out of the above sum for the erection of the scaffold, Rope, etc."

We find the quotation of your request to be a true copy of the words in the Statutes. This fee provision in the Statutes has never been construed by our Courts.

Section 655, R. S. Mo. 1929, provides in part:

"The construction of all statutes of this state shall be the following additional rules, unless such construction be plainly repugnant to the intent of the legislature, or of the context of the same statute: First, words and phrases shall be taken in their plain or ordinary and usual sense, but technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import; * * * *"

Mr. Birt P. Bryant

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July 10, 1936.

CONCLUSION.

The context of the Statutes allowing \$125.00 to the sheriff for executing every death warrant to include necessary expenditures in performing same clearly expresses the Legislative intent. The words and phrases have no technical meaning, hence we must take them in their plain, ordinary and usual sense. The phrase "to include all necessary expenditures" shows that the Legislature anticipated the sheriff to expend money for the necessary rope and scaffold.

This department is of the opinion that the sheriff is required to pay from his \$125.00 fee all necessary expenditures in executing a death warrant.

Respectfully submitted

WM. ORR SAWYERS
Assistant Attorney General.

APPROVED:

JOHN W. HOFFMAN, Jr.
(Acting) Attorney General.

WOS:H