

RECORDER:

Cannot make abstract books with intention of engaging in abstract business after expiration of his term of office.

6-15

June 14, 1935.



Hon. Wallace Cooper
Prosecuting Attorney
Johnson County
Warrensburg, Missouri

Dear Sir:

This acknowledges receipt of your letter wherein you inquire as follows:

"I would like to have an opinion from your office on Section 11570 R. S. Mo. 1929, as to whether or not that Section prohibits the Recorder of Deeds from making a set of abstract books either by himself or through an agent, with the intention of engaging in the abstract business after the expiration of his term of office."

Section 18 of Article II of the State Constitution has to do with the duties that officials are required to perform with respect to their office.

Section 11570 R. S. Missouri, 1929, was thereafter enacted by the Legislature and is as follows:

"Every recorder of deeds or the deputy of any such officer, who shall engage in the business of making abstracts of instruments of record in his office affecting the title to lands, for profit or hire, or who shall furnish to any person or persons any written extract, excerpt, memoranda or copy of any such instrument of record, for profit or hire, otherwise than under and in pursuance of the statutes defining his duties as such officer and in his official capacity, duly authen-

Hon. Wallace Cooper.

-2-

June 14, 1935.

ticating each extract, excerpt, memoranda or copy of every such instrument so furnished under the seal of his office, shall be deemed guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not less than twenty nor more than fifty dollars."

"Profit" is defined in Webster's New International Dictionary as "Advancement; advantage, improvement, accession of good; valuable results; useful consequences; benefit; avail; gain." The synonym being "benefit, improvement, advancement, gain." We think the meaning of the word "profit" as used in the above act is synonymous with "benefits" or "advantage" or "gain."

What a person does through an agent he himself does, and the fact that he does this work through an agent does not change the rule.

CONCLUSION.

We are of the opinion that the above section means that the recorder, while he is such recorder, may not either personally or by his agent, compile a set of abstract books with the intention of engaging in the abstract business after the expiration of his term of office, and if he does do such he is amenable to the provisions of Section 11570 R. S. Missouri 1929.

Respectfully submitted,

DRAKE WATSON,
Assistant Attorney General

APPROVED:

JOHN W. HOFFMAN, Jr.,
Acting Attorney General

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