

CIRCUIT CLERK: A person over the age of seventeen
RECORDER OF DEEDS: years may act as deputy circuit clerk.
DEPUTIES:

August 25, 1943

8/27

FILED
57

Mr. Wilburn Marshall
Circuit Clerk and Ex-officio
Recorder of Deeds
Ray County
Richmond, Missouri

Dear Sir:

This is to acknowledge receipt of your letter of August 20th, 1943, in which you request the opinion of this department. Your letter is as follows:

"Am asking for information, regarding a deputy I have, who is nineteen years of age.

"Some one has brought up the question as to the legality of her signing instruments for me, which are brought in for recording.

"Would appreciate your opinion of this matter, * * * * *

From your letter it appears that you desire to know whether or not the acts of your deputy, who is nineteen years of age, are legal and binding. We understand that your deputy has been duly appointed by you, as such deputy, and that the appointment has been approved by the court or by the judge in vacation.

Ray County, by the last decennial census, has a population of 18,584, and, under Section 13147, R. S. Mo. 1939, as amended by the Laws of Missouri 1941, at page 525, there is created an office of recorder in each county in the state

containing 19,000 inhabitants or more, which office shall be styled "the office of the recorder of deeds." It is provided by Section 13149, R. S. Mo. 1939, as amended by the Laws of Missouri 1941, at page 525, as follows:

"The clerks of the circuit courts shall be ex officio recorders in their respective counties, except in counties containing 19,000 inhabitants or more."

Therefore, your office falls under that classification and is designated as "circuit clerk and ex officio recorder of deeds."

Under Article 1, Chapter 92, R. S. Mo. 1939, the article pertaining to clerks of courts of record, we find Section 13299, which provides as follows:

"Every clerk may appoint one or more deputies, to be approved by the judge or judges, or a majority of them in vacation, or by the court, who shall be at least seventeen years of age and have all other qualifications of their principals and take the like oath, and may in the name of their principals perform the duties of clerk; but all clerks and their sureties shall be responsible for the conduct of their deputies."

Under this section you are authorized and empowered to appoint as your deputy a person at least seventeen years of age who has all of the other qualifications which are necessary for you to have as circuit clerk.

CONCLUSION

It is, therefore, our opinion that the acts of your deputy, who is nineteen years of age and who possesses all of

Mr. Wilburn Marshall

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the other qualifications which you, as circuit clerk, possess, and whose appointment has been approved by the judge or by the court of the circuit in which Ray County is now situate, are valid and binding in all respects.

Respectfully submitted,

COVELL R. HEWITT
Assistant Attorney-General

CRH:CP

APPROVED:

ROY MCKITTRICK
Attorney-General

See 13434-1939