

FEEES:

Clerk, recorder and sheriffs; third class counties.

21 J. Smith



July 8, 1946

7/16

Mr. E. Glenn Parsons
Circuit Clerk
Shelbyville, Missouri

Dear Sir:

Reference is made to your letter under date of July 3, 1946, requesting a list of fees and reading as follows:

"Please send me a list of all the fees chargeable in the Circuit Clerk and Ex-Officio Recorder office, giving the changes, if any, made July 1, 1946.

"Also, send a list of the Sheriff's fees to be collected."

The list of fees chargeable in the circuit clerk and ex-officio recorder's office can be found in the following sections of the Revised Statutes of Missouri 1939, and statutes referred to therein:

717	1068	1073	1074	1312
1315	1427	1695	3366	3483
3489	3430	3491	3582	3563
3566	3604	3643	3644	3647
4236	4243	4244	4248	10975
12326	12338	12345	12372	12448
12469	12495	12509	12516	12530
12532	12536	12537	13171	13178
13181	13346	13407	13408	13409
13410	13426	13436	14412	

The list of sheriff's fees may be found at the following Revised Statutes of Missouri, 1939, and statutes referred to therein:

1068	1163	1466	1769	1808
3995	5477	9002	9004	9219
9349	9354	9355	11221	11598
12468	12469	12530	12729	13036
13140	13411	13413	13414	14203
14221	15428			

The only changes made by the present Legislature are the following:

1. H. B. No. 899, which provides for compensation of sheriffs in counties of the third class, which is now law, and provides as follows:

"

AN ACT

"To provide for the salary and compensation of sheriffs in counties of the third class; providing for the appointment and compensation of deputies and assistants, providing for the collection and disbursement of fees by such sheriffs; providing for the administration of jails in such counties, and providing a penalty for violations of said act, with an emergency clause.

"Section 1. The sheriff in counties of the third class shall receive annually for his official services in connection with the investigation, arrest, prosecution, custody, care, feeding, commitment and transportation of persons accused of or convicted of a criminal offense, the following sums: In counties having a population of less than 7,500 the sum of \$1000; in counties having a population of 7,500 and less than 10,000 the sum of \$1200; in counties having a population of 10,000 and less than 11,500 the sum of \$1400; in counties having a population of 11,500 and less than 15,000 the sum of \$1600; in counties having a population of 15,000 and less than 24,000, the sum of \$1900.00; in counties having a population of 24,000 and less than 30,000, the sum of \$2500.00; and in counties having a population of 30,000 and more, the sum of \$2800.00.

"Section 2. The sheriff in counties of the third class shall be entitled to such number of deputies and assistants, to be appointed by such official, with the approval of the judge of the circuit court, as such judge shall deem necessary for the prompt and proper discharge of his duties relative to the enforcement of the criminal law of this state. The judge of the circuit court, in his order

permitting the sheriff to appoint deputies or assistants, shall fix the compensation of such deputies or assistants. The circuit judge shall annually, and oftener if necessary, review his order fixing the number and compensation of the deputies and assistants and in setting such number and compensation shall have due regard for the financial condition of the county. Each such order shall be entered on record and a certified copy thereof shall be filed in the office of the county clerk. The sheriff may at any time discharge any deputy or assistant and may regulate the time of his or her employment.

"Section 3. It shall be the duty of the sheriff in counties of the third class to charge and collect in all instances every fee, both civil and criminal, including mileage, accruing to his office by law, except such criminal fees as are chargeable to the county, and such sheriff shall, at the end of each month, file with the county court a report of all fees charged and collected during said month, stating for what act said fees were charged and collected, together with the names of the persons paying or who are liable for same, which report shall be verified by the oath or affirmation of such sheriff. It shall be the duty of such sheriff upon the filing of said report to forthwith pay over to the county treasurer all fees arising in connection with the investigation, arrest, prosecution, custody, care, commitment and transportation of persons accused of or convicted of a criminal offense during the month and required to be shown in said monthly report, taking a duplicate receipt therefor, one of which shall be filed in his office and one in the office of the clerk of the county court and every such sheriff shall be liable on his official bond for all such criminal fees collected and not accounted for by him and paid into the county treasury; provided that he shall retain all fees collected by him in civil matters.

"Section 4. The sheriff shall have the custody and care of persons lodged in the county jail and shall furnish them with clean quarters and wholesome food. At the end of each month the sheriff shall submit to the county court a statement supported by his oath or affirmation of the actual cost incurred by him in the feeding of persons under his custody together with the names of the persons, the number of days each spent in the jail, and whether or not the expenditure is properly chargeable to the county or to the state under the law. The county court shall audit said statement and draw a warrant on the county treasury for the amount of the actual cost payable to the sheriff. The county clerk shall submit quarterly to the State Director of Revenue a statement of the cost incurred by the county in the feeding of the prisoners properly chargeable to the state and the state shall forthwith pay the same to the county treasury.

"Section 5. In addition to the salary provided in Section 1 of this act, the county court shall allow the sheriffs and their deputies, payable at the end of each month out of the county treasury, actual expenses for each mile travelled in serving warrants or any other criminal process not to exceed five cents per mile.

"Section 6. In addition to the compensation provided in this act the county court may, in its discretion, furnish living quarters for the sheriff.

"Section 7. All salaries provided in this act shall be paid out of the county treasury in monthly installments at the end of each month by warrant drawn by the county court upon the county treasury. Claims for reimbursement for travel shall be submitted to the county court monthly and paid at the end of the month by warrant drawn on the county treasury by the county court.

"Section 8. Any sheriff or deputy sheriff who shall willfully violate any provision of this act shall, upon conviction, be guilty of a misdemeanor. Willful failure and neglect on the part of any sheriff to comply with any of the provisions of this act for a period of two months shall be deemed to have forfeited his office and such office shall be deemed and declared to be vacant, in addition to the criminal penalty herein provided.

"Section 9. All acts or parts of acts inconsistent with this act are hereby repealed."

2. H. B. No. 855, which repealed Sections 13297 and 13298, R. S. Missouri 1939, and enacted in lieu thereof Sections 13296 and 13297, which are now law:

"Section 13296. In all civil actions any party interested therein may, upon payment of the fees, have any or all of the following papers recorded in the office of the clerk of the circuit court in the county in which such action is brought: petitions, summons, affidavit for publication of notice to non-resident or unknown defendants, sheriff's, or other officer's, return of service to summons, proof of publication of notices to non-resident or unknown defendants, answers, motions, notices of sale of property involved and proof of its publication, return of sale by any sheriff, commissioner, or other officer, in case of sale of real estate, affidavit of commissioner, notice to parties by commissioner in partition, and any other paper or pleading tending to show the service on the defendants for their appearance in such case. The clerk of the circuit court shall charge the sum of ten cents per one hundred words for the recording of papers as provided in this section, which sum shall be paid into the county treasury.

"Section 13297. Whenever, in the opinion of any court of record, or the judge or judges thereof in vacation, it shall be

necessary for the papers in cases remaining on file in the office of the clerk of such court to be bunched and incased in suitable envelopes or wrappers, labeled and re-indexed, such court, or the judge or judges thereof in vacation, may order the clerk of said court to perform such service."

3. Section 10057, R. S. Mo. 1939, was repealed by S. B. No. 435 which is now law. However, the fee of One (\$1.00) Dollar provided for for recording chiropractic licenses by the circuit clerk is in S. B. No. 435 and said fee remains unchanged.

4. S. B. No. 362, which was passed by the General Assembly and approved by the Governor March 26, 1946, provides:

"Section 1. Whenever the word 'constable' appears in any statute, except insofar as any such statute applies to the City of St. Louis and to counties of the first class, the same shall hereafter be deemed to refer exclusively to and to mean 'sheriff' unless such construction is plainly repugnant to the context of any such statute.

"Section 2. This act shall become effective on January 1, 1947 except that in counties in which the present terms of constables end after January 1, 1947, this act shall take effect at the expiration of the present terms of constables in said counties."

Respectfully submitted

C. B. BURNS, Jr.
Assistant Attorney General

APPROVED:

J. E. TAYLOR
Attorney General

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