

COUNTY TREASURER AND COURT

REPORTERS: Court reporter and not county treasurer
preserves official notes of court reporter.

March 5, 1943

Mr. Arthur Singleton
Treasurer of Douglas County
Ava, Missouri



Dear Sir:

Your request for an official opinion, dated March 2, 1943, in reference to the custody of the records of the official court reporter of your district, has been received.

Your main question is whether or not you, as county treasurer, should preserve all of the official notes taken in the circuit court by the court reporter for future use or reference, and whether or not such official notes should be retained by you in your vault.

Section 13798 R. S. Missouri, 1939, reads as follows:

"The county treasurer shall keep his office at the county seat of the county for which he was elected, and shall attend the same during the usual business hours. The county court shall provide said county treasurer with suitable rooms, and a secure vault in the court house or other building occupied by other county officers, and the county treasurer shall keep his office and records in such rooms and vault provided by the county court. He shall receive all moneys payable into the county treasury, and disburse the same on warrants drawn by order of the county court."

Mr. Arthur Singleton

(2)

March 5, 1943

Under the above section it is the duty of the county treasurer to keep his office at the county seat, and it is the duty of the county court to provide said county treasurer with suitable rooms and a secure vault for the purpose of keeping his records. We find no provision which provides that the county treasurer shall keep the official notes of the court reporter of the circuit court.

Section 13340 R. S. Missouri, 1939, reads as follows:

"It shall be the duty of the official court reporter so appointed to attend the sessions of the court, under the direction of the judge thereof; to take full stenographic notes of the oral evidence offered in every cause tried in said court, together with all objections to the admissibility of testimony, the rulings of the court thereon, and all exceptions taken to such rulings; to preserve all official notes taken in said court for future use or reference, and to furnish to any person or persons a transcript of all or any part of said evidence or oral proceedings upon the payment to him of the fee hereinafter provided."

Under the above section, it is the duty of the court reporter, under the direction of the judge of the circuit court, to take all notes in any proceeding before the court and to preserve all official notes taken in said court for future use or reference. Under this section, it is the duty of the court reporter to preserve his notes.

CONCLUSION

It is, therefore, the opinion of this department, that it is not the duty of the county treasurer to preserve the notes of the court reporter in his vault, but it is the duty

Mr. Arthur Singleton

(3)

March 5, 1943

of the court reporter to preserve all of his official notes,
as set out under Section 13340, supra.

Respectfully submitted

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APPROVED BY:

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WJB:RW