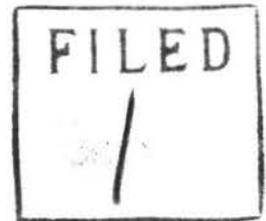


RECORDER: Contents of annual report that the recorder shall  
make to the court of all kinds of fees received by  
FEES: him under Section 1, page 1526, Laws of 1945.

COPY

January 30, 1948

Opinion No. 1



Honorable George P. Adams  
Prosecuting Attorney  
Audrain County  
Mexico, Missouri

Dear Sir:

This will acknowledge receipt of your request for an opinion which reads:

"Please advise the type of annual report that a recorder of deeds in a county of the third class, where the office of recorder and circuit clerk are separate, must make under the provisions of Sec. 13187.1, Laws 1945, page 1526.

"According to that section the report must contain an account 'of all fees of every kind received'. Obviously in such an office where the fees range from ten cents to several dollars it would take an additional deputy to make the report itself.

"Is it not possible that a summary report of some sort could be made which would satisfy the provisions of this section?"

Section 13187.1, Mo. R. S. A., roads:

"The recorder in counties of the third class, wherein there shall be a separate circuit clerk and recorder, shall keep a full, true and faithful account of all fees of every kind received, and make a report thereof every year to the county court; and all fees received by him, over and above the sum of \$4000 except those set out in Section 2 hereof, for each year of his official term, after paying out of such fees and emoluments such amounts for deputies and assistants in his office as the county court may deem necessary, shall be paid into the county treasury."

The primary rule of construction of statutes is to ascertain and give effect to the lawmakers intent, and this should be done with words used, if possible, considering the language honestly and faithfully. See Haynes vs. Unemployment Compensation Commission, 183 S.W. (2d) 77, 1.c. 81, 353 Mo. 540; also City of St. Louis vs. Senter Commission Company, 85 S.W. (2d) 21, 337 Mo. 238.

A careful examination fails to disclose wherein the courts have construed the following words as used in the above statute, "full, true and faithful account." In Re Umbel, 80 A. 541, 542, 231 Pa. 94. The court did construe the following words requiring a candidate to file "a full, true and detailed account" of expenditures made to secure nominations, and held the account must set forth each sum disbursed by the candidate whether personally or by his agent for election expenses, date of each disbursement, name of person to whom paid, and purpose for which same was disbursed, and in so holding, the court said:

" \* \* \* An account which merely exhibits the fact that the candidate has deposited money in the hands of an agent to be used for legitimate expenses, and does not show the person to whom and the purpose for which the agent paid the money, is not such "a full, true, and detailed account" as the act plainly contemplates. \* \*

"To be a true account within the spirit and intent of the act, it must set forth each and every sum of money disbursed by the candidate, whether personally or by his agent, for election expenses, the date of each disbursement, the name of the person to whom paid, and the object or purpose for which the same was disbursed; and, moreover, the account must be accompanied by vouchers for all sums expended exceeding \$10 in amount. \* \* \* \* \* Unless these facts can be developed on the audit, one of the manifest purposes of the act can be easily defeated by the omission to give the information in the account itself. \* \* \* \*"

We are not unmindful of the fact that the foregoing phrase that the court was construing included the word "detailed,"

which might have to some extent influenced the court to render such a construction. However, upon reading the above decision, we are inclined to believe that the court would have so construed the provision even if it had not contained the word "detailed."

In *Quinn vs. Donovan*, 85 Ill. 194, 195, the court defined the word "full" from Webster's Dictionary as follows:

" \* \* \* One of Webster's definitions of the word 'full' is 'complete, entire, without abatement,--mature, perfect.' \* \* \*"

Also in *Fluet vs. McCabe*, 12 N.E. (2d) 89, 1.c. 93, the court defined "full" in the following manner:

"The charter specifically provides that the city council shall have 'full supervision' of the repair of all public buildings. Section 27. The word 'full,' as used, clearly means entire, complete. \* \* \*"

In *Johnson vs. Des Moines Life Association*, 75 N.W. 101, 1.c. 102, 105 Iowa 273, 276, the court defined the word "true" as follows:

" \* \* The following definitions found in Webster's International Dictionary will aid in solving this question. \* \* \* \* \*  
'True. (1) Conformable to fact; in accordance with the actual state of things; correct; not false, erroneous, inaccurate, or the like; as a true relation or narration; a true history. A declaration is true when it states the facts. (2) Right, to precision; conformable to a rule or pattern; exact; accurate; as a true copy; a true likeness of the original.' \* \* \*"

See also *Cook vs. Dunbar*, 18 A. (2d) 656, 1.c. 663, 66 R. I. 266, wherein the court construed the word "true" to be synonymous with "correct."

The word "faithful" is most commonly used in statutes when referring to official duties of officers or relating to official bonds. In *Wright vs. Fidelity & Deposit Co. of Maryland*, 54 Pac. (2d) 1084, 1087, 176 Okla. 274, the court

defined "faithful" as being synonymous with trusty, honest and trustworthy, and in so holding, said:

" \* \* \* The word 'faithful' is defined in Webster's New International Dictionary as being synonymous with 'trusty,' 'honest,' and 'trustworthy.' \* \* \* "

While we have been unable to find wherein the courts have construed the words as used in the above statute, considering all of the foregoing definitions together, we believe that the Legislature, by the use of so many adjectives prior to the word "account," certainly intended that such account should be more comprehensive and not merely include the total amount of all fees received by said recorder. It would have been an easy manner for the Legislature to have merely required the recorder to furnish the county court an annual report containing the total amount of all fees received and stop at that. But instead, they required said recorder to make a full, true and faithful account of all fees of every kind received. So, it is quite apparent that the Legislature, in enacting the foregoing provisions, intended that the report should be more complete than to include just the amount of fees received. This report should probably contain the amount of fees received, date received, who paid same and the purpose of said fee.

#### CONCLUSION

Therefore, it is the opinion of this department that the recorder, under Section 13187.1, Mo. R. S. A., is required to make an annual report to the county court. Said reports should contain the fees received by him, date he received same, party paying same, and state the purpose ~~of~~ said fees. We regret if this works undue hardship upon said recorder; however, if it does, then it is a matter that should be called to the attention of the Legislature.

Respectfully submitted,

AUBREY R. HAMMETT, JR.  
Assistant Attorney General

APPROVED:

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J. E. TAYLOR  
Attorney General

ARH:VLM