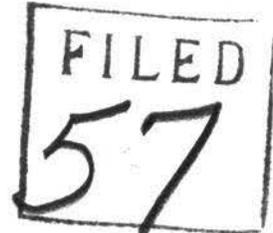


MAGISTRATES: Person summoned as juror under provisions of  
JURORS: Section 15a, Laws of 1947, Vol. I, page 248,  
FEES AND and who appears in court but whose name is  
COMPENSATION: scratched, receives compensation and mileage  
provided in such section.

March 10, 1949



Honorable Aubrey R. Marshall  
Judge, Probate and Magistrate Courts  
Randolph County  
Moberly, Missouri

Dear Sir:

This is in answer to your letter of recent date requesting an official opinion of this department and inquiring whether or not those persons summoned as jurors under provisions of Section 15a, Laws of Missouri, 1947, Volume I, page 248, but whose names are scratched, are to receive the compensation and mileage provided in such section.

We are enclosing an official opinion of this department rendered to Honorable Wayne T. Walker under date of September 11, 1947, construing Sections 10 and 10a of the act in which Section 15a supra appears. We believe that the enclosed opinion is determinative of the question presented in your opinion request insofar as such opinion holds that "serve as such" means with regard to jurors appearing in court in response to a summons and is not limited to the actual serving as a member of a jury hearing a case. We believe that the phrase "serve as such" used in Section 15a of the act to have the same meaning. Therefore, we believe that under the provisions of Section 15a, a person who is summoned as a juror and appears in court but whose name is scratched is entitled to the compensation and mileage provided in such section.

#### CONCLUSION

It is the opinion of this department that a person summoned as a juror under provisions of Section 15a, Laws

Hon. Aubrey R. Marshall

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of Missouri, 1947, Volume I, page 248, and who appears in court in response to such summons but whose name is scratched, is entitled to the compensation and mileage provided in such section.

Respectfully submitted,

C. B. BURNS, JR.  
Assistant Attorney General

APPROVED:

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J. E. TAYLOR  
Attorney General

CBB:VLM

Enc.