

COUNTY COURTS - Acting as road overseers in certain counties.

May 6, 1935.

5-7



Honorable C. M. Hardin
Judge of County Court
Jefferson County
DeSoto, Missouri

Dear Sir:

We have your request for an opinion which is as follows:

"On January 17, 1934, your department issued an opinion for me on Section 7892, relating to Judges of the County Court constituting a Board of Road Overseers. I appreciate it and thank you for the opinion that you gave me.

"At the beginning of our 1931 term, Jefferson County was qualified to come within the terms of Section 7892, as to population, road mileage and taxable wealth. However, the county assessment for 1933 and 1934 was about twenty-four million dollars, yet property is only assessed at about seventy-five percent of its value.

"There is some question to the fact that we didn't organize ourselves into a Board of Road Overseers, whether or not we should draw that salary, yet the Road and Bridge work has been handled in the same efficient way as it would, or could have been, had we been organized as a Board.

#3 - Honorable C. M. Hardin

From this letter it does not appear what the total road mileage was in your county for 1933, 1934, but we assume from your letter that your county, which had the required road mileage for 1931 and 1932, continued to possess the same road mileage for the years 1933, 1934.

However, from your letter it appears that Jefferson County during 1933, 1934 did not possess an assessed valuation of \$25,000,000.

While your county, during the year 1933, 1934 may have possessed requirements numbered (1), (2) and (4), as above set out, it does not possess the requirement set out in (3) above.

It is, therefore, the opinion of this office that the county judges of Jefferson County during the years 1933, 1934, did not under the law constitute a Board of Road Overseers, and therefore were not entitled to receive the salary of \$1200.00 per year provided in Section 7892, R. S. Mo. 1929.

Respectfully submitted,

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APPROVED:

ROY McKITTRICK
Attorney General

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