

TOWNSHIP OFFICERS: Increased compensation under Section 12310,
R. S. 1929, as amended Laws of Mo. 1931, page 377.

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May 23, 1936.



Hon. Glen W. Huddleston
Prosecuting Attorney
Carroll County
Carrollton, Missouri

Dear Mr. Huddleston:

This is to acknowledge your request for an opinion, dated May 19, 1936, which request is as follows:

"Please send me an opinion as to the law in application to the following facts:

"The township board of Dewitt township, Carroll County, Missouri, was informed this year as to the change in compensation for members of the township board under Sec. 12310, Laws of Missouri, 1931. After they received this information, the board allowed all members of the board \$1.00 for each meeting of the board after the statute was changed, calculating from the time the term of office had ended during which the change was made up to the present time. The board members had only received \$1.50 for each meeting during this period of time, for which the extra \$1.00 was allowed.

"The clerk of the board has received the extra \$1.00 for each meeting, but is now asking the board to pay him the fees of 10 cents for filing and recording instruments, for the same period of time that

the extra \$1.00 was allowed, under Sec. 12310, Laws of Missouri, 1931. The Clerk has never received any fees for the recording and filing of instruments during this time for which he claims.

"The board wishes to know if it is legal for them to allow the clerk these fees for this period of time?"

The Fifty-sixth General Assembly, at page 377, Laws of Missouri, 1931, repealed Section 12310, Revised Statutes of Missouri, 1929, and enacted in lieu thereof a new section. The following changes were made in Section 12310, R. S. Mo. 1929:

In the sixth line the word "one" was changed to "two," in the fourteenth line after "words" and before the semicolon the words "and figures" were added, and also in the sixteenth line the words "and figures" were added after "words" and before the comma.

The new statute became effective September 14, 1931, ninety days after the adjournment of the General Assembly. By the new section the per diem of the officers in counties under township organizations named therein were increased from \$1.50 to \$2.50 per day and the officers would receive said increase from said last named date. The clerk is entitled to this extra \$1.00 per day as well as other named township officers. That part of Section 12310, supra, pertaining to the fees of the township clerk in the first proviso was not changed, except the words "and figures" were added at the places indicated above.

It is, therefore, our opinion that the township clerk is entitled to receive payment from the township the fees allowed by the newly enacted statute, from September 14, 1931, as well as before said date, for filing any instrument of writing and for recording any order or instrument of writing and for recording any order or instrument of

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writing authorized by law, ten cents for every hundred words and figures, notwithstanding the fact that he has been paid the \$2.50 per diem as allowed by Laws of Missouri, 1931 at page 377.

Very truly yours,

COVELL R. HEWITT
Assistant Attorney-General

APPROVED:

JOHN W. HOFFMAN, Jr.,
(Acting) Attorney-General.

CRH:EG