

OFFICERS:
SALARIES AND FEES:

Salaries of clerks of circuit courts
and ex-officio recorder of deeds in
certain counties.

December 22, 1938

Mr. Fred W. Harvey
Clerk of the Circuit Court
Knox County
Edina, Missouri

Dear Sir:

This is in reply to yours of recent date wherein
you request an official opinion based upon the following
letter:

"May I have your opinion as to pay
commencing Jan. 1939 for circuit
clerk and ex-officio recorder in
counties having a population of
over 7500 and less than 10,000.
Also as to Clerk of Juvenile Court
in same."

The salaries of clerks of circuit courts and ex-
officio recorder of deeds are fixed by Section 11786,
Laws of Missouri, 1937, page 445, which is as follows:

"The Clerks of the Circuit Courts
of this State shall receive for
their services annually the follow-
ing sum: In counties having a popu-
lation of less than seven thousand
five hundred persons, the sum of
twelve hundred (\$1200) dollars; in
counties having a population of
seven thousand five hundred persons
and less than ten thousand persons,
the sum of fifteen hundred (\$1500)
dollars; in counties having a popu-
lation of ten thousand persons and
less than fifteen thousand persons,



the sum of seventeen hundred (\$1700) dollars; in counties having a population of fifteen thousand persons and less than seventeen thousand five hundred persons, the sum of nineteen hundred (\$1900) dollars; in counties having a population of seventeen thousand five hundred persons and less than twenty thousand persons, the sum of twenty-one hundred (\$2100) dollars; in counties having a population of twenty thousand persons and less than twenty-five thousand persons, the sum of twenty-three hundred (\$2300) dollars; in counties having a population of twenty-five thousand persons and less than fifty thousand persons, the sum of twenty-five hundred (\$2500) dollars; in counties having a population of fifty thousand persons and less than seventy-five thousand persons, the sum of thirty-six hundred (\$3600) dollars; in counties having a population of seventy-five thousand persons and less than one hundred fifty thousand persons, the sum of four thousand (\$4000) dollars; in counties having a population of one hundred fifty thousand persons and less than four hundred thousand persons, the sum of five thousand (\$5000) dollars; Provided, that in any county wherein the Clerk of the Circuit Court is ex-officio Recorder of Deeds, said offices shall be considered as one for the purpose of this Section: Provided, it shall be the duty of the Circuit Clerk, who is ex-officio Recorder of Deeds, to charge and collect for the county in all cases every fee accruing to his office as such Recorder of Deeds and to which he may be entitled under the provisions of Section 11804 or any other statute, such Clerk and ex-officio Recorder shall, at the end of each month, file with the County Clerk a report of all fees charged and accruing to his office during such month, together with

the names of persons paying such fees. It shall be the duty of such Circuit Clerk and ex-officio Recorder of Deeds, upon the filing of said report, to forthwith pay over to the County Treasurer, all moneys collected by him during the month and required to be shown in such monthly report as hereinabove provided, taking duplicate receipt therefor, one of which shall be filed with the County Clerk, and every such Circuit Clerk and ex-officio Recorder of Deeds shall be liable on his official bond for all fees collected and not accounted for by him, and paid into the County treasury as herein provided: Provided, further, that the Clerks of the Circuit Courts shall be allowed to retain in addition to the sums allowed in this Section, all fees earned by him in cases of change of venue from other counties; Provided, further, that until the expiration of their present term of office, the persons holding the office of Circuit Clerk shall be paid the maximum amount as now provided by law, in the manner provided by this Act."

You will note that this section places the counties of seventy five hundred (7500) to ten thousand (10,000) in the bracket in which the circuit clerk receives fifteen hundred dollars (\$1500) per annum. This section also provides that in case the circuit clerk is ex-officio recorder of deeds that such offices are considered as one for the purpose of determining the salary of the circuit clerk. You will also note that this section requires the circuit clerk and recorder to report all fees and turn them into the county treasury, that is, the fees which are charged and accrued to his office. This section also authorizes the circuit clerk to retain the fees earned by him in cases of change of venue from other counties. This amount is in addition to the fifteen hundred (\$1500) dollar salary that you shall receive.

In addition to the salary provided in Section 11786, supra, the lawmakers in 1937 provided for circuit clerks to get additional compensation for their service as clerks of the juvenile courts. This is provided by Section 11814a, Laws of Missouri, 1937, page 447. By this section you will note that a county having a population of seventy five hundred (7500) and less than ten thousand (10,000) that the clerk shall receive two hundred (\$200) dollars per annum for his services as clerk of the juvenile court. This section also provides that the salary for services as clerk of the juvenile court shall be in addition to the salary allowed by law for his service as circuit clerk, that is, in addition to the fifteen hundred (\$1500) dollars per annum allowed by Section 11786, supra.

CONCLUSION.

It is, therefore, the opinion of this department that in counties having a population of over seventy five hundred (7500) and less than ten thousand (10,000), that the clerk of the circuit court shall receive a salary of fifteen hundred (\$1500) dollars per annum and two hundred (\$200) dollars per annum as salary of the clerk of the juvenile court, and in addition thereto whatever fees he may collect in cases of change of venue from other counties to the court in which he is clerk.

Respectfully submitted

TYRE W. BURTON
Assistant Attorney General

APPROVED:

J. E. TAYLOR
(Acting) Attorney General

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