

February 25, 1944

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Honorable Forrest Smith
Auditor, State of Missouri
Jefferson City, Missouri

Dear Mr. Smith:

This office is in receipt of your letter of recent date in which you request an opinion. Omitting caption and signature, this request reads as follows:

"Section 13404, R. S. Missouri, 1939, provides that the Judge of the Probate Court may retain from his earned fees an annual compensation not to exceed the compensation of a Judge of the Circuit Court having jurisdiction in such county.

"Prior to 1939 the compensation of most of the Circuit Judges in Missouri was \$3500.00 but in 1939 Section 13394, R. S. Missouri, 1939, was amended and provides for a compensation of \$1300.00 per annum to the above classified Circuit Judges for their services as Jury Commissioners, making the total compensation for said Circuit Judges on and after the effective date of this amended law \$4800.00.

"We would like for you to render an opinion advising us when the increase in the amount of fees permitted to be retained by a Probate Judge would become effective. The Probate Judges last term ended on December 31, 1942. What would be the maximum retention permissible for 1941 and 1942 by the Probate Judges?"

Inasmuch, as this question has been answered at considerable length in various other opinions, we submit for your consideration an opinion of January 16, 1943, pertaining to the compensation of probate judges; also, our opinion of August 30, 1943, devoted

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to the consideration of probate judges, under Senate Bill No. 4, together with our opinion of September 20, 1943. which is devoted to the fees and salaries of probate judges, together with our opinion of October 7, 1943.

We believe these opinions fully answer any question raised in your letter and submit same in lieu of another opinion.

Respectfully submitted

L. I. MORRIS
Assistant Attorney General

APPROVED:

ROY McMITTRICK
Attorney General

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Encl.