

DEPUTY CIRCUIT CLERKS IN  
FOURTH CLASS COUNTIES:

Deputy circuit clerks and assistants  
may be appointed by circuit clerk  
with approval of circuit court and  
salary paid out of county treasury.

March 9, 1950

3/10/50

Honorable William Lee Dodd  
Prosecuting Attorney  
Ripley County  
Doniphan, Missouri



Dear Sir:

This office is in receipt of your recent request for an official opinion. You thus state your request:

"The circuit clerk has a deputy and her salary is set by the Circuit Judge. Is it legal for the County Court to allow the circuit court a sum of money to employ extra clerical hire when needed?"

We would first point out that Ripley County is a county of the fourth class.

We would next direct your attention to Section 13147b, Laws of Missouri, 1945, page 1425, which states:

"In all counties of the fourth class, the clerks of the circuit court shall be ex officio recorder for their respective counties."

We next call your attention to Sections 5 and 6 and 7, Laws of Missouri, 1945, pages 1531 and 1532, which state:

Section 5.

"The circuit clerk and recorder in counties of the fourth class shall be entitled to such number of deputies and assistants, to be appointed by such official, with the approval of the judge of the circuit court, as such judge shall deem necessary for the prompt and proper discharge

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of the duties of his office. The judge of the circuit court, in his order permitting the circuit clerk and recorder to appoint deputies or assistants, shall fix the compensation of such deputies or assistants, which order shall designate the period of time such deputies or assistants may be employed. Every such order shall be entered on record, and a certified copy thereof shall be filed in the office of the county clerk. The circuit clerk and recorder may at any time discharge any deputy or assistant, and may regulate the time of his or her employment and the circuit court, may at any time modify or rescind its order permitting an appointment to be made."

Section 6.

"The circuit clerk and recorder in counties of the fourth class, as recorder of the county, may appoint in writing one or more deputies, to be approved by the county court, which appointment with the like oath of office as their principals to be taken by them and indorse thereon shall be filed in the office of the county clerk. Such deputy recorders shall possess the qualifications of clerks of courts of record, and may, in the name of their principals, perform the duties of recorders of deeds, but all circuit clerks and recorders and their sureties shall be responsible for the official conduct of their deputies."

Section 7.

"All annual salaries provided in this act shall be paid out of the county treasury in monthly installments at the end of each month by warrant drawn by the county court upon the county treasury."

Your question, stated above, relates to deputy circuit clerks and assistants, and Section 5, quoted above, relates to deputy circuit clerks and assistants only. The number of deputies and assistants that the circuit clerk in fourth class counties may have is to be determined by the circuit court, without whose approval a circuit clerk may not appoint such deputies and assistants. If the circuit

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judge, upon the recommendation of the circuit clerk, and by order of record approves the appointment of a second full or part-time deputy or assistant, the circuit clerk may proceed to appoint such deputy or assistant, whose salary will be paid by the county. In such case the county court could not allow a sum of money to the circuit court for the purpose of paying the salary of such second deputy or assistant; inasmuch as by Section 7, quoted above, such salary would be paid out of the county treasury of your county.

CONCLUSION

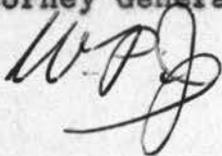
In fourth class counties a circuit clerk may, with the approval of the circuit court, appoint additional deputies and assistants whose salaries will be set by the circuit court and paid out of the treasury of the county.

Respectfully submitted,

HUGH P. WILLIAMSON  
Assistant Attorney General

APPROVED:

Attorney General



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