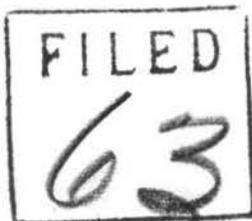


CIRCUIT CLERK
EX OFFICIO RECORDER:

Circuit clerk and ex officio recorder of a county of the fourth class within a prescribed population and assessed valuation is entitled to salary in the amount of \$3150.



February 3, 1953

2-3-53

Honorable Garner L. Moody
Prosecuting Attorney of
Wright County
Hartville, Missouri

Dear Sir:

Reference is made to your recent request for an official opinion of this office which request reads as follows:

"There has been some question about the salary for the Circuit Clerk and Recorder of this county. I would like for you to give me an opinion on the following question.

"What is the salary of a Circuit Clerk and Recorder for a fourth class County?"

For the purpose of this opinion, we note that Wright County is a county of the fourth class with a population as indicated by the 1950 census of population count of at least fifteen thousand and less than seventeen thousand five hundred inhabitants and with an assessed valuation of more than five million dollars.

We now refer you to Section 483.370, RSMo 1949, relating to the compensation of a circuit clerk and recorder in counties of the fourth class, which reads in part as follows:

"1. The circuit Clerk and recorder in counties of the fourth class in this state shall receive annually for his services the following:

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* * * * *

"(4) In counties having a population of fifteen thousand and less than seventeen thousand five hundred the sum of one thousand nine hundred dollars; * * *."

Section 483.375, RSMo 1949, provides an additional compensation to that provided in Section 483.370 for services as clerk of the juvenile division of the circuit court and as a member of the board of jury commissioners. Said section reads in part as follows:

"In addition to the compensation provided for in section 483.370, the circuit clerk and recorder of counties of the fourth class shall receive the following compensation per annum:

"(1) For his services as clerk of the juvenile division of the circuit court, the following:

* * * * *

"(d) In counties having a population of fifteen thousand and less than seventeen thousand five hundred the sum of four hundred dollars; and

* * * * *

"(2) For the performance of his duties as a member of the board of jury commissioners and ex officio clerk thereof, the sum of one hundred fifty dollars."

Section 483.367, Revised Statutes of Missouri Cumulative Supplement 1951, enacted by the Sixty-sixth General Assembly specifies a compensation for the circuit clerk and recorder of a county of the fourth class for his duties as parole commissioner. Said section reads in part as follows:

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"For the performance of all duties imposed upon him as parole commissioner, the clerk of the circuit court shall receive, in addition to all other compensation now allowed by law, the following compensation, payable out of the county treasury:

* * * * *

"(2) In fourth class counties where the assessed valuation is more than five million dollars, seven hundred dollars; * * *."

Under the above provisions, we are of the opinion that the salary of the circuit clerk and ex officio recorder of a county of the fourth class is in the amount of \$3150. Of course, since you ask for the salary of said officer, we have not taken into consideration such fees as the officer may, by law, be entitled to retain.

CONCLUSION

Therefore, it is the opinion of this office that the salary of a circuit clerk and ex officio recorder of a county of the fourth class having a population of at least fifteen thousand and less than seventeen thousand five hundred inhabitants and an assessed valuation of more than five million dollars is in the amount of \$3150, exclusive of such fees as the officer may be entitled to by law to retain.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Mr. D. D. Guffey.

Very truly yours,

JOHN M. DALTON
Attorney General

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