

SHERIFFS:
SALARY:

County Court may not pay sheriff money
in lieu of living quarters.



June 26, 1953

Honorable Charles A. Weber
Prosecuting Attorney of
Ste. Genevieve County
Ste. Genevieve, Missouri

Dear Sir:

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

"I respectfully request an Opinion
on the following set of facts:

"Section 57.430 R.S. Mo. 1949
provides 'In addition to the
compensation provided in Sec-
tions 57.390 and 57.400 the
county court may in its dis-
cretion furnish living quarters
for the sheriff.'

"Since there are no living quarters
provided for the sheriff in this county,
the county court would like to know
whether under this Section if it would
be permissible for the court to pay a
certain sum each month to the sheriff in
lieu of his living quarters."

We note first, Ste. Genevieve County is a county of the
fourth class. The compensation of the sheriff of a county of
the fourth class is fixed at a specified salary by Section 57.400,
RSMo 1949. In addition thereto, Section 57.420, to which you refer
provides:

Honorable Charles A. Weber

"In addition to the compensation provided in sections 57.390 and 57.400 county court may, in its discretion, furnish living quarters for the sheriff."

Prior to answering your inquiry, we wish to make reference to certain rules of statutory construction in aid thereof. A statute must be so construed so as to ascertain and give effect to the legislative intent, *Wentz v. Price Candy Co.*, 175 S. W. (2d) 852, and a county court can allow compensation to county officials only where authority so to do is conferred by statute, and then only in the manner provided. The latter rule is stated in the case of *Nodaway County v. Kidder*, 129 S.W. (2d) 851, l. c. 860, as follows:

"The general rule is that the rendition of services by a public officer is deemed to be gratuitous, unless a compensation therefor is provided by statute. If the statute provides compensation in a particular mode or manner, then the officer is confined to that manner and is entitled to no other or further compensation or to any different mode of securing same. Such statutes, too must be strictly construed as against the officer. * * *"

Section 57.400, RSMo 1949, specifies the actual cash remuneration of the sheriff of the county of the fourth class. Such, we believe, would preclude any other remuneration in the medium of cash unless directly authorized by statute. Section 57.420 specifies a different type of remuneration, i.e., living quarters. Having specified the mode, it is our opinion that a certain sum could not be paid to the sheriff in lieu of such living quarters.

CONCLUSION

Therefore, it is the opinion of this office that the county court cannot pay to the sheriff a certain sum in lieu of living quarters where no such living quarters are furnished by the county as authorized by Section 57.420, R. S. Mo.1949.

Honorable Charles A. Weber

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

Very truly yours,

JOHN M. DALTON
Attorney General

DDG:hr