

May 13, 1963



Honorable Joe R. Ellis  
Prosecuting Attorney  
Barry County  
Cassville, Missouri

Dear Sir:

This is in response to your request for an opinion as to the division of salary between your old Circuit Clerk/Recorder and the new one who took office January 7, 1963.

Specifically they each claim entitlement to the pay due for the first week in January. Obviously they cannot both be paid for the county is only liable to pay a specified amount annually to whoever holds the office.

The statutory amount established for the office merely fixes the rate of pay per annum and does not entitle the holder of that office to a full year's pay where he serves less than a year.

This means that the officeholder gets paid for the exact time that he is in office - no more, no less.

Surprisingly we find no law in this state upon the subject, perhaps because the practical solution set out above is universally accepted.

We are advised by the State Comptroller that this is the manner in which the pay is divided between the incoming and outgoing Governors.

Very truly yours,

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THOMAS F. EAGLETON  
Attorney General