

(answered by letter, #333)
Siddens

January 22, 1963



Honorable Milton Carpenter
" Charles Trigg
" Thomas C. Dunne

Gentlemen:

Please be advised on January 22, 1963, the Missouri House of Representatives voted Articles of Impeachment in connection with Circuit Judge Virgil A. Poelker.

Sec. 106.050, RSMo 1959 reads as follows:

"If any officer shall be impeached, he is hereby suspended from exercising his office, after he shall be notified thereof, until his acquittal."

In *Blackwell v. City of Thayer*, 74 S.W. 375 the St. Louis Court of Appeals wrote:

"Blackwell's suspension being legal, it follows by force of the decisions first cited, that he was not entitled to a salary during his suspension, as an officer lawfully relieved from the duties of his office ceases to earn a salary."

Therefore, pursuant to this decision, Judge Poelker is not entitled to and should not be paid any salary after the date of his impeachment, namely, January 22, 1963.

Yours very truly,

Thomas F. Eagleton
Attorney General

(This was answered by Mr Siddens and had not gone through records book. Copy made & indexed on 8/13/63 L.L.)