

Opinion No. 214(63)
4(64)
Ans. by Letter (Stephan)

April 10, 1964



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

Dear Mr. Ellis:

This is in response to your request for an opinion of this office as to whether the salaries of deputy recorders in Barry County are to be set by the circuit court or by the county court.

Barry County is a county of the third class in which the offices of circuit clerk and recorder are combined. Under the provisions of Section 483.345, RSMo 1959, the circuit court in third class counties has clear authority to "fix the compensation of such deputies . . ." as are appointed by the circuit clerk.

Pursuant to our request, you forwarded a copy of the order of the circuit court setting the salaries of the employees of the office of clerk-recorder of Barry County. That order reads in part as follows:

"Now on this day appears Artie Spain, Circuit Clerk and Ex-Officio Recorder of Deeds of Barry County, Missouri, and requests the above Court to set the salaries of the Circuit Clerk's Deputies in and for Barry County, Missouri.

"WHEREUPON, it is hereby ordered, decreed and adjudged by the Court that the salary of Deputy Circuit Clerk, Barbara Lacey, in and for Barry County, Missouri, shall be the sum of \$225.00 per month until changed by further order of this Court; and it is further ordered by the Court that the salary of Deputy Circuit Clerk and Recorder of Deeds, Frances Terry, in and for said County shall be \$190.00 per month; and it is further ordered by the

Court that the salary of Deputy Circuit Clerk and Recorder of Deeds, Lois Lechner, in and for said County shall be \$190.00 per month; beginning as of January 1, 1964, and continuing until such time as this order may be changed by further order of this Court."

According to the order, all of the employees named therein hold a position of deputy circuit clerk. Inasmuch as Section 483.345 places no limitation upon the number of deputy circuit clerks, we believe that all of the employees in question may have their salaries properly set by the circuit judge insofar as they hold the position of deputy circuit clerk.

It is, therefore, the opinion of this office that the salaries in question have been properly set and each of the named employees is entitled to the monthly compensation specified in the order.

Very truly yours,

THOMAS F. EAGLETON
Attorney General

AJS/dg