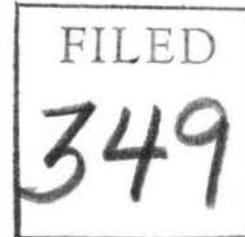


October 18, 1967

OPINION NO. 349
Answered by letter-Mansur

Honorable William R. (Bill) Royster
State Representative - 8th District
Missouri House of Representatives
3500 Gladstone Boulevard
Kansas City, Missouri 64123



Dear Representative Royster:

Recently you inquired of this office whether a city marshal in a fourth class city at a salary of \$1.00 per month could accept an appointment as a deputy constable at a salary of \$350.00 per month.

We are enclosing herewith an opinion issued by this office on November 17, 1950, to Honorable J. Logan Marr, Prosecuting Attorney, Morgan County, Versailles, Missouri, holding that a deputy sheriff may hold the office of city marshal at the same time and receive the compensation for each office.

We are also enclosing an opinion issued by this office on January 16, 1941, to Fred Keller, Sheriff, Andrew County, Savannah, Missouri, holding that a constable may be appointed as a deputy sheriff and fill both offices at the same time.

These opinions are based on the rule of law that, absent a statute to the contrary, a person may hold two public offices at the same time so long as the duties to be performed are not incompatible, repugnant or conflicting.

It is our opinion that the duties of city marshal of a fourth class city are not incompatible with the duties of a deputy constable of a first class county and that the same person may hold

Honorable William R. Royster

both offices at the same time and receive the compensation for each office. This is based on the assumption that such person is otherwise qualified for each office.

Yours very truly,

NORMAN H. ANDERSON
Attorney General

MM:db

Enclosures: Op.No. 57, Marr, 11-17-50
Opinion to Keller, 1-16-41