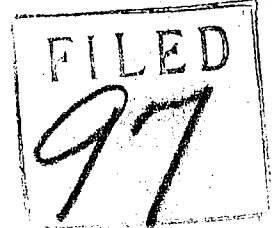


MAGISTRATES: Salary of magistrates governed by Section 482.150.

January 3, 1961



Honorable Robert P. G. Wilson, III
Prosecuting Attorney, Platte County
Platte City, Missouri

Dear Mr. Wilson:

In your letter of December 8, 1960, you submit a question relative to Section 482.090, RSMo 1949, as follows:

"Platte County, Missouri now has within its boundary a part of a city of more than four hundred thousand inhabitants. The above mentioned statute seems to vest the Magistrate Court of Platte County, Missouri with jurisdiction in civil actions when the sum demanded, exclusive of interest and costs does not exceed two thousand dollars. I would like to have the opinion of your office as to whether the Magistrate of Platte County, Missouri is entitled to receive the same salary as other Magistrates who have two thousand dollar jurisdiction."

Section 482.090, RSMo, 1949, as amended, Laws of Missouri, 1959, S. B. No. 173, V.A.M.S., pocket parts, defines the jurisdiction of the magistrate courts according to the type of cases and monetary amount involved based on the population of the county or the fact that a county contains a city or part of a city of a designated population.

Section 482.150, V.A.M.S., pocket parts, (Laws 1959, H. B. 150) provides for the salaries of magistrates based on population or population and assessed valuation of the county involved.

Honorable Robert Wilson

In Ward v. Christian County, 111 SW 2d, 182, 1.c. 183 (Mo. Sup.)
the Court made the following statement:

"It is well settled law that a right to compensation for the discharge of official duties is purely a creature of statute, and that the statute which is claimed to confer such right must be strictly construed."

It is a cardinal rule of law that no public officer is entitled to compensation unless provided for by statute and the law conferring such right must be strictly construed against the officer and cannot be implied. Statutes providing compensation in a particular mode or manner must be strictly construed against the officer.

Section 482.090, supra, is limited to matters concerning the jurisdiction of the court and has nothing to do with the salary and should not be considered in determining the salary of the magistrate of the court. The compensation a magistrate is to receive is governed entirely by Section 482.150, supra.

CONCLUSION

It is our opinion the compensation a magistrate is to receive is governed by Section 482.150, V.A.M.S., supra, without considering the provisions of Section 482.090 V.A.M.S., supra, relating to jurisdiction of magistrate courts.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Moody Mansur.

Yours very truly,

JOHN M. DALTON
Attorney General

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