

COUNTY CLERK: Salaries.
COUNTY COURT:

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January 8, 1947

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Honorable Harry V. Woodworth
County Clerk
Lewis County
Monticello, Missouri

Dear Sir:

This is in reply to your letter of recent date, requesting an official opinion of this department, and reading as follows:

"We would like very much to have an opinion regarding the County Clerk's salary for this county. We are in class 3, Group 3 which makes our per capita 11 plus. What we would like to call your attention to is Section 2a of House Bill No. 867 in which it states that a further sum of \$500.00 in addition to the salary is to be added to the County Clerk's salary. We do have 2 court houses in this county in which there are certain county offices.

"Will you please give us your opinion at once in regard to this additional salary for the clerk."

Section 2a of House Bill No. 867, passed by the 63rd General Assembly, provides as follows:

"In all counties of the third class in which there is a court of common pleas having exclusive, original jurisdiction in both civil and criminal cases in certain townships, and in which county there are two court houses in which there are certain county offices, the county clerk in such county shall receive a further sum of \$500.00 in addition to the salary and remunerations provided in Sections 1, 2 and 4 of this act." (Emphasis ours.)

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The provision "and in which county there are two court houses," etc., obviously refers only to counties of the third class in which there is a court of common pleas having exclusive, original jurisdiction in both civil and criminal cases in certain townships.

There is no provision in the Constitution or laws of Missouri for a court of common pleas having exclusive, original jurisdiction in both civil and criminal cases in certain townships in Lewis County, Missouri.

Therefore, the provisions of Section 2a of House Bill No. 867 are not to be considered in the determination of the salary of the Clerk of the County Court of Lewis County, Missouri.

CONCLUSION

It is the opinion of this department that the provisions of Section 2a of House Bill No. 867, passed by the 63rd General Assembly, do not apply to a determination of the salary of the County Clerk of Lewis County, Missouri.

Respectfully submitted,

C. B. BURNS, Jr.
Assistant Attorney General

APPROVED:

J. E. TAYLOR
Attorney General

CBB:HR