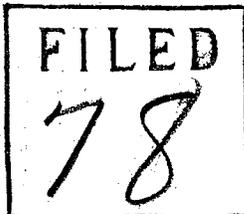


COUNTY COURT: County Court in counties of third class may not
ASSESSOR: employ clerical and stenographic personnel for the
office of assessor other than is provided in Section
53.095, V.A.M.S.



February 1, 1954

Honorable Earl Saunders
Prosecuting Attorney
Jefferson County
Hillsboro, Missouri

Dear Mr. Saunders:

Reference is made to your recent request for an official
opinion of this office wherein the following question is asked:

"Has the County court the authority to hire
a clerical or stenographic assistant, fix the
compensation of said assistant and pay same
out of the County Treasury, for the use of the
assessor in addition to the provisions of Sec.
53.095, Mo. R.S. Cumulative Supplement, 1951."

Your attention is directed to Section 53.095, V.A.M.S. enacted
by the 66th General Assembly which provides as follows:

"The county assessor in each county of classes
three and four may appoint and fix the compensa-
tion of such clerical or stenographic assistants
as may be necessary for the efficient performance
of the duties of his office. The compensation
of such clerical or stenographic assistants shall
be paid from the county treasury and shall not
exceed six hundred dollars per annum in counties
of class three nor six hundred dollars per annum
in counties of class four."

This section provides that the assessor may appoint such
clerical and stenographic assistants as may be necessary for the
efficient performance of the duties of the office, to be paid from

Honorable Earl Saunders

the county treasury in an amount not to exceed \$600. per annum. What then is the effect of this provision?

It is a familiar rule that the primary and fundamental factor in the construction of a statute is the ascertainment of the law-maker's intent, *Turner v. Kansas City*, 191 S.W. 2d. 612, and, further, that where the statute limits the doing of the thing in a prescribed manner it necessarily includes in the power granted the negative that it cannot be otherwise done. *Lancaster v. County of Atchison*, 180 W.W. 2d. 706. Keeping in mind these rules it is our opinion that Section 53.095 precludes the payment out of county funds of clerical or stenographic assistants working in the office of assessor.

The General Assembly in enacting this provision took into consideration the needs of the various assessors for clerical and stenographic assistants and authorized the official to contract for such hire and provided for their payment from county funds not to exceed a stated amount. The Legislature could have provided for other and additional clerical and stenographic assistants but did not and in so doing (under the rule above stated) placed an implied prohibition against such additional employment other than in the manner provided and in excess of the county funds specifically allowed therefor.

CONCLUSION

Therefore, it is the opinion of this office that the county court of a county of the third class has no authority to hire clerical or stenographic assistants for the assessor and pay said employees out of county revenue other than as provided by Section 53.095, V.A.M.S.

This opinion, which I hereby approve, was written by my assistant, Mr. Donal D. Guffey.

Yours very truly,

JOHN M. DALTON
Attorney General