

January 19, 1933



Hon. R. Wilson Barrow  
Prosecuting Attorney  
Macon County  
Macon, Missouri

Dear Sir:

A letter from Mr. J.T.Holman, County Collector of Macon County, dated January 16, 1933, addressed to General McKittrick, together with a personal request from you, has been handed me for attention.

An opinion from this department is requested on the following facts:

"The total amount of money collected in Macon County for the months of November and December, 1931, being \$265,000, the highest amount in his hands at any one time was, during said months, \$150,000. The total amount collected during the months of November and December, 1932, \$243,000, the highest amount on hand during said months at any one time was \$135,000. My present bond is \$433,000, at a cost of \$1375 per year. Please advise if, under the law, I am entitled to have the bond reduced."

Section 9885, R.S. Mo. 1929, provides:

"Every collector of the revenue in the various counties in this state, and the collector of the revenue in the city of St. Louis, before entering upon the duties of his office, shall give bond and security to the state, to the satisfaction of the county courts, and, in the city of St. Louis, to the satisfaction of the mayor of said city, in a sum equal to the largest total collections made during any two months of the year preceding his election or appointment, plus ten per cent, of said amount."

It is the opinion of this department that the County Collector of your county would come under the provision of the above quoted statute, and that the highest amount collected for any two months in the year preceding his election being \$265,000, his bond should be fixed at that sum, plus ten per cent thereof; that the provision in said statute, to the satisfaction of the county court, refers to the sufficiency of the security offered; that is, that the county court must require a satisfactory bond in the sum fixed by the statute,

and otherwise in compliance therewith.

Very truly yours,

CARL C. ABINGTON  
Assistant Attorney-General

Approved:

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ROY McKITTRICK  
Attorney General

CCA:ER