

PENAL BOARD - Judgment bonds of Buchanan County.

November 19, 1934



Honorable Stephen B. Hunter, Director
Department of Penal Institutions
Jefferson City, Missouri

Dear Sir:

This acknowledges receipt of your request of November 8, 1934 for an opinion relating to the acceptance of Buchanan County bonds by the Penal Board in payment of judgments obtained by the Penal Board against that county, and that part of your letter pertinent to the request is as follows:

"All these bonds are long-term bonds, bearing 5% interest, payable to bearer. Mr. Lane, in carrying out the instructions of the Penal Board, desires to be relieved of the custody of these bonds; and we are therefore asking you for instructions as to how he shall make delivery and to whom he shall deliver them.

"The Penal Board will not accept these Buchanan County bonds, if there is any way to avoid it, except on an order from the Court compelling us to take them. We are not satisfying the judgment and no one other than the Attorney-General's office has had any authority from the Penal Board to deal with the Buchanan County accounts in any way."

#2 - Honorable Stephen B. Hunter

These bonds were issued by the county of Buchanan under the 1931 Law, p. 138. The county court was the authorized body of Buchanan county to perform this act, and if the bonds are delivered, they should be re-delivered to the county court of Buchanan county, Missouri. If Buchanan county desires to "exchange" these bonds for the judgment now held by the Penal Board against that county, the entire matter of such an exchange calls for a mutual agreement between the Penal Board and Buchanan county.

That portion of our opinion heretofore written indicating that the Penal Board must accept these bonds has been re-considered and is hereby withdrawn, and it is the opinion of this office now that there is no duty on the Penal Board to accept these bonds unless the Penal Board wishes to do so. I am enclosing herewith a copy of a letter from E. P. Maupin, County Auditor of Buchanan County.

Respectfully submitted,

FRANKLIN E. REAGAN
Assistant Attorney General

APPROVED:

ROY McKITTRICK
Attorney General

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