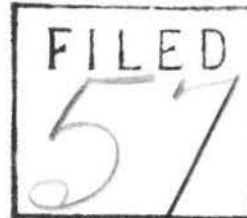


COUNTY TREASURER: Not entitled to fees for drawing warrant
for school fund loans.

May 25, 1937.



Hon. Thomas A. Mathews
Prosecuting Attorney
St. Francois County
Farmington, Missouri

Dear Sir:

We have your request for an opinion of this office
reading as follows:

"On February 25, 1937, you very promptly
mailed me an opinion in regard to an
inquiry that I had written you on February
3, 1937, with reference to construction
of Section 9266 R. S. Missouri, 1929.

After receiving your letter and copy of
the opinion mailed Prosecuting Attorney
of Boone County; Clerk of County Court,
Carthage, Missouri, and Treasurer of Miller
County, I find that this opinion does not
answer the question desired. It is this:

To know whether or not the former County
Treasurer would be entitled to fees as
outlined in the Statute on 'permanent
school moneys made up of fines and loaned
on real estate and drawn by warrant by
the county court and not drawn by the
respective representatives of school
districts.'"

May 25, 1937.

Section 9266 R. S. Missouri 1929, covers "moneys for school purposes, belonging to the different districts." The county treasurer is to be custodian until said moneys are paid out on warrants duly issued by order of the board of directors or to the treasurer of some town, city or consolidated school district. The compensation for such services is fixed by the same statute, Section 9266.

The County school fund is created by Section 9243 R. S. Missouri 1929, and is to be securely invested and sacredly preserved; the income to be devoted to free public school purposes.

Sections 9245 and 9250 R. S. Missouri 1929, authorize the County Court to loan said funds. This act of loaning is not a payment by order of the board of directors, or to a school district treasurer contemplated by Section 9266; therefore the county treasurer is not entitled to the compensation provided in Section 9266 on the issuing of warrants for the loaning of such school fund moneys.

It is therefore the opinion of this office that the county treasurer is not entitled to fees as outlined in Section 9266 for the payment of warrants drawn by the county court for the purpose of loaning school fund moneys.

Respectfully submitted,

FRANKLIN E. REAGAN,
Assistant Attorney General

APPROVED:

J. E. TAYLOR
(Acting) Attorney General

FER:MM