

OFFICIAL BONDS: County Treasurer not required to furnish official bond for school moneys in counties under township organization, as in such counties respective township trustees are custodians of school funds.

January 30, 1945



Honorable Ray R. Pryer
Prosecuting Attorney
Clinton, Missouri

Dear Sir:

Reference is made to your letter of January 26, 1945, requesting an opinion of this office, and reading, in part, as follows:

"In re: Bond Of Treasurer With Regards
To School Moneys: Sec. 10400,
R. S. 1939.

"For the benefit of the County Court I would like an official opinion on the matter above captioned.

"Henry County is under the Township Organization plan; has between 23,000 and 25,000 inhabitants; has now approximately \$40,000 in school moneys. These matters may, incidently, have bearing on the matter, hence their inclusion in this communication."

Section 10400, R. S. Missouri, 1939, reads, in part, as follows:

"The county treasurer in each county shall be the custodian of all moneys for school purposes belonging to the different districts, until 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, as authorized in this chapter, except in counties having

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adopted the township organization law, in which counties the township trustee shall be the custodian of all school moneys belonging to the township, and be subject to corresponding duties as the county treasurer; * * * "

In view of your statement that Henry County is under township organization, we hold the exception contained in the quoted portion of the statute is applicable.

CONCLUSION

In the premises, we are of the opinion that the County Treasurer of Henry County is not required to supply the separate official bond as custodian of the school moneys, required by Section 10400, R. S. Missouri, 1939, for the reason that inasmuch as Henry County is operated under township organization, the trustees of the respective townships are, by the exception contained in such section, designated custodians of the school moneys accruing to their respective townships.

Respectfully submitted

WILL F. BERRY, Jr.
Assistant Attorney General

APPROVED:

HARRY H. KAY
(Acting) Attorney General

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