

COUNTY : County Court may issue a duplicate warrant when
WARRANT : original has been lost or destroyed before being pre-
: sented for payment, and county treasurer shall pay
: said duplicate.

November 23, 1949

11/25/49

Hon. Robert P. C. Wilson, III,
Prosecuting Attorney
Platte County,
Platte City, Missouri.



Dear Mr. Wilson:

This will acknowledge receipt of your request for an opinion which reads as follows:

"I would like your opinion as to proper procedure to be followed by County Treasurer in issuing duplicate warrant where original has been lost or destroyed before being presented for payment."

Your attention is directed to the following statutes which provide for the payment of expenses incurred by the county, and the duties of the county treasurer in regard thereto.

Sec. 13798, R. S. Mo.:

"He (county treasurer) shall receive all moneys payable into the county treasury, and disburse the same on warrants drawn by order of the county court."

Sec. 13801, R. S. Mo.:

"He shall procure and keep a well-bound book, in which he shall make an entry of all warrants presented to him for payment, which shall have been legally drawn for money by the county court of the county of which he is the treasurer stating correctly the date, amount, number, in whose favor drawn, by whom presented, and the date the same was presented; and all warrants so presented shall be paid out of the funds mentioned in such warrants, and in the order in which they shall be presented:
* * *."

Sec. 13805, R. S. Mo.:

"The county treasurer shall keep a just account of all moneys received and disbursed, and regular abstracts of all warrants and scrips drawn on the treasury, and paid or received by him, and shall cancel the same by writing in ink 'paid' across the face thereof, when paid or received."

It is the opinion of this office that a county treasurer would not be authorized to issue a duplicate warrant where original has been lost or destroyed, but that the county court would be authorized to issue such a duplicate warrant under R. S. Mo. 13824, cited above.

It is suggested by this office that whenever a warrant of the county court has been lost or destroyed, after written notice of loss of original shall have been filed before them, and satisfactory proof of such loss or destruction has been made to the county court, and the county treasurer certifies that such warrant has not been presented to him for payment, then the county court may issue a duplicate of such warrant, of like number, date, and amount, and insert thereon "Duplicate - Original Unpaid," and immediately notify the county treasurer of the issue of such duplicate, and the treasurer shall pay said duplicate, but not the original, whenever presented for payment.

CONCLUSION.

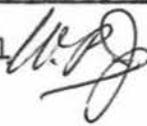
County Court may issue a duplicate warrant when original has been lost or destroyed before being presented for payment, and county treasurer shall pay said duplicate.

Respectfully submitted,

JOHN E. MILLS
Assistant Attorney General

APPROVED:

J. E. TAYLOR
Attorney General



JEM/LD