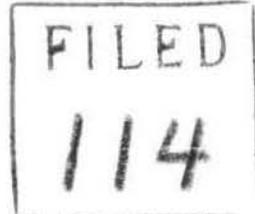


March 30, 1965



Honorable Clifford A. Falzone  
Prosecuting Attorney Randolph County  
220½ West Reed Street  
Moberly, Missouri

Dear Mr. Falzone:

We are in receipt of your letter of February 9, 1965, wherein you state that Randolph County is a county of the third class, and is contemplating redistricting the county from which the two judges of the county court are elected pursuant to Section 49.010 RSMo, 1959. Randolph County does not have Township Organization form of government. You refer to Section 49.010 RSMo, 1959, which section prohibits the county court from dividing a municipal township.

You state that in order to equalize the two districts it would be necessary to subdivide an existing township under Section 47.010 RSMo, 1959, and that it appears to be necessary that the township in which the city of Moberly is located be divided because such township contains more than a half of the population of the county. This would result in the city of Moberly being divided between each of the two newly created townships.

You request that we send you Attorney General Opinion No 5, Barker, 6-19-52, and pursuant to your request we are enclosing a copy of that opinion. We are also enclosing a letter written to Larry M. Woods under date of December 27, 1962, relating to County Judge Districts.

Under the authority of Section 47.010 RSMo, 1959, the County Court may divide the county into convenient townships or subdivide already existing townships.

It appears that it is your present plan to create two townships out of the present single township in which the city of Moberly is located, and we believe this is authorized under the above quoted section.

The case of State ex inf. McKittrick vs. Tegethoff, 338 Mo. 328, 89 S.W. 2d 666, cited in the Barker opinion (attached hereto), holds that a county court may increase the number of townships or may change the boundary lines of the existing townships without a written petition of the residents of the townships.

It further appears that it is your present plan, that after the revision of the townships under Section 47.010, supra, the county court will then proceed to divide the county into "two districts, of contiguous territory, as near equal in population as practicable," as provided in Section 49.010 RSMo 1959. The new district line will then coincide with the new township line, previously created, which divides the city of Moberly. Thus the redistricting by the county court of Randolph County will not divide any municipal townships.

We believe that the attached opinion will confirm the conclusion we have reached and that this is the information you desire.

Yours very truly,

NORMAN H. ANDERSON  
Attorney General

OHS/sj

Enclosure