

Opinion No. 14-1383

November 5, 1914

BY: FRANK W. CLANCY, Attorney General

TO: Mr. C. E. Cary, Melrose, New Mexico.

SCHOOLS.

Custody of school money cannot be transferred from county treasurer to school districts.

OPINION

{*243} I have just received your letter of the 3rd instant in which you say that you would like to transfer the funds for the maintenance of of the school in district No. 12 to your home town, Melrose, because {*244} your teachers have to go or send to the county seat every month for their salaries, which is often very inconvenient.

I know of no way by which the custody of school money can be transferred from the county treasurer to school districts. It can be drawn from the county treasurer only upon regular warrants signed by the district officers and by the county superintendent.

The inconvenience of which you speak can be so greatly reduced that it will not be necessary for the teachers to go to the county seat. When they receive their warrants they can send them to the school superintendent for his signature, which could not make more than a couple of days' delay, and when they get back your local bank would certainly then cash them. In a town like Melrose, however, it appears to me that arrangements could be made with the bank to cash the warrants, and then for the bank to send them to the county superintendent for his signature. I am told by Mr. Asplund, of the Department of Public Instruction, that the banks here have followed that custom and have cashed the school district warrants, and after accumulating a considerable quantity would have the county superintendent sign them all at once. The element of risk in this is certainly very small for the bank, and there can be no good reason why the bank should not do that in your town.