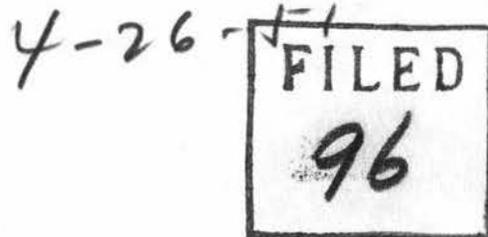


BOND REQUIRED OF :
COUNTY SUPERINTENDENT:

A county superintendent must give bond in
double the amount of his annual salary.

April 26, 1951



Honorable James J. Wheeler
Prosecuting Attorney
Chariton County
Keytesville, Missouri

Dear Mr. Wheeler:

We have given careful consideration to your recent request for an official opinion, which request is as follows:

"Our County Superintendent of Schools has recently been elected for a four year term. She says that there is a possibility she will not be able to complete her entire term, and wishes to know whether she is required to give bond in double the amount of her total salary for the four year term, or whether she may give bond in double the amount of her yearly salary, giving a new bond each year she serves.

"Section 167.030, Missouri Revised Statutes, 1949, provides in part, 'Before entering upon the duties of his office, the County Superintendent shall - - - give bond in double the amount of his salary, conditioned upon the faithful performance of his official duties - - '.

"I respectfully request your opinion as to whether the above section requires the County Superintendent of Schools to give bond in double the total amount of his four year salary, or whether a bond in double amount of his annual salary is acceptable."

Honorable James J. Wheeler

Section 167.030, RSMo 1949, requires the county superintendent to "give bond in double the amount of his salary" but does not undertake to define the meaning of the term "salary." However, the salaries of county superintendents, as provided in various sections of Chapter 167, RSMo 1949, are computed on an annual basis. It is evident that the salary mentioned in connection with the bond is the annual salary of the county superintendent as defined in Chapter 167.

This conclusion is upheld by the Supreme Court of Missouri in *Henderson v. Koenig*, 168 Mo. 356. On page 367 of that opinion the court said, "Salary is regarded as a per annum compensation." The Supreme Court again sustained this principle in *State ex rel. v. Speed*, 183 Mo. 186. In the course of that opinion, page 198, the court said:

"Though we do not at this time undertake to assert that these definitions of the word salary are so well established and inflexible that it would be improper to say that its use could have reference to nothing else than a yearly or per-annum compensation, we do think that when the word salary is found in a legislative act as applied to one's compensation for official work done or required, it is so generally understood to apply to the officer's per-annum allowance, when not otherwise qualified, that we are justified in attributing that meaning to the word."

The amount of the bond, therefore, must be double the annual salary, and this should be sufficient for the four-year term.

CONCLUSION

It is the opinion of this office that a county

Honorable James J. Wheeler

superintendent of public schools must give bond in
double the amount of his annual salary.

Respectfully submitted,

B. A. TAYLOR
Assistant Attorney General

APPROVED:



J. E. TAYLOR
Attorney General

BAT/feh