

**School Districts, Sinking Fund, Effect of. County Division,
Transfer of Sinking Fund.**

A new county was organized and embraced territory included in a school district which had created a sinking fund to liquidate a bonded indebtedness. Held, the money in such fund should be transferred to the county treasury of the new county.

February 11th, 1914.

Hon. A. H. Bowman,
Chairman Board County Commissioners,
Hardin, Montana.

Dear Sir:

Replying to your request for an opinion upon the following proposition, viz.,

"Big Horn County was organized from Yellowstone and Rosebud Counties in January, 1913; prior to this time School District No. 17 was in Yellowstone County, and bonds had been voted to build a school house, and a sinking fund has been provided by levy to pay principal and interest. Question: Can the treasurer of Yellowstone County hold this fund? Is not School District No. 17, now located in Big Horn County, held responsible for payment, and should not Big Horn County now have control of said sinking fund?"

You are advised as follows: There is no direct provision of law to furnish a rule of guidance in solving the proposition advanced by you. Sec. 10 of Chap. 133 of the Session Laws of the Thirteenth Legislative Assembly provides among other things that the superintendent of the public schools of the old county or each of the old

counties respectively shall furnish the superintendent of the public schools of the new county with a certified copy of the last school census of the different school districts in the territory set apart to form the new county, and shall certify to the board of county commissioners the amount due, and said board shall order a warrant drawn on the treasurer of his county in favor of the treasurer of the new county for all the money that may be due by any apportionment or otherwise, to the different school districts embraced in the new county from his county. The word "otherwise," as used in the law, we believe to be comprehensive enough to include moneys raised for the purpose of liquidating the bonded indebtedness, for the reason that the old county is no longer concerned in the administrative affairs of School District No. 17, this duty being exclusive to the new county. Hence, it should have possession and control of all moneys belonging to the district you mention.

Yours very truly,

D. M. KELLY,
Attorney General.