

**School Districts, Warrants Of. Warrants, of School Districts. School Warrants, Who Signed By.**

The warrants of a school district should be signed by the chairman of the board and countersigned by the clerk of the district.

March 7, 1912.

Hon. L. C. Rinard,  
County Attorney,  
Thompson, Mont.

Dear Sir:

I acknowledge receipt of your letter of the 3rd inst., in which you request my official opinion upon the following question:

"In school districts of the third class, where there is a board of three school trustees, may the chairman and clerk sign warrants without the signature of another member of the board of trustees, or is it necessary that at least two members of the board sign the warrants?"

There is no direct provision of law as to the manner in which warrants upon the funds of a school district are to be drawn. The allowance of a claim against a school district is made by a majority of the board of trustees acting in lawful session. The board necessarily has a chairman and a clerk. Sec. 374, Revised Codes, provides that the chairman of the board of school, trustees shall perform such duties as usually pertain to such office. It is true that Sec. 830, Revised Codes, provides:

"The trustees shall draw their warrants on the county treasurer."

Sec. 995, Revised Codes, relative to the special tax collected at the request of the board of trustees, makes provision that when said tax is collected it shall be placed to the credit of the district and shall be subject to the order of the district board. The board then necessarily acting in lawful session at the time of the allowance of the claim against the district it is my opinion that where the warrant is ordered issued by a majority of the board, that the proper person to execute such warrant would be the chairman, and that his signature should be attested by the clerk of the district and that the warrant should bear the seal of the school district.

Provisions of subdivision 8, Section 2986, and of subdivision 3, Section 941, require that the warrants of a school district presented to the county treasurer for payment must be countersigned by the clerk of the district. This is also the manner in which bonds of a school district are to be executed, to-wit: by the chairman and clerk of the district. (Sec. 890, Subdivision 7, Revised Codes.)

It is, therefore, my opinion that in districts of the third class the warrant may be signed by the chairman and countersigned by the clerk, and it is not necessary that at least a majority of the members of the board shall affix their signature to the warrant.

Yours very truly,

ALBERT J. GALEN,

Attorney General.