

COUNTY COURTS: RE: The County Court of Adair County is not authorized to donate money for a building in which to locate a glove factory in the City of Kirksville, Missouri.

FILED
26

January 2, 1946

1-11-46

Mr. Burt Elsea, Presiding Judge
Adair County Court
Kirksville, Missouri

Dear Judge Elsea:

This will acknowledge receipt of your letter of recent date requesting an opinion of this department, which letter reads as follows:

"In order to locate a glove factory in Kirksville, the community is raising funds by donation for the building. The title to the building will be in the name of the City of Kirksville. The County Court of Adair County has been asked for a donation.

Will you please advise us as to whether or not the County can legally donate to this building, and if so, out of which fund should it be paid."

Under date of September 12, 1945, this department rendered an opinion to Honorable Hamp Rothwell, Prosecuting Attorney of Maries County, on the question of whether the County Court of Maries County could donate money to the American Legion Post of Vienna, Missouri for the erection of a building in which to hold American Legion meetings. We held that such a donation of county money by a County Court was unauthorized.

We are of the opinion that the question raised by your letter presents the same legal issue. We are therefore of the opinion that the County Court of Adair County cannot legally do-

Mr. Burt Elsea

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nate county funds for a building in which to locate a glove factory in the City of Kirksville, Missouri. Our reasons for so holding are contained in the above mentioned opinion of this department, a copy of which we herewith enclose.

Respectfully submitted,

SMITH N. CROWE, JR.
Assistant Attorney General

APPROVED:

J. E. TAYLOR
Attorney General

SNC:mw