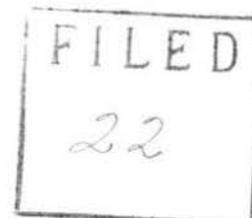


JVV

Expense of conveying prisoners to Boys' Reformatory at Boonville, Mo. should be the actual outlay for conveyance of Sheriff and prisoners by the method and route from starting point to Boonville which is cheapest. If automobile cheaper than rail, former method should be used and if rail is cheaper, train should be used. Total cost of actual necessary traveling expenses should determine the method.

April 22, 1933.



Hon. Gordon P. Dorris,  
Prosecuting Attorney,  
Alton, Missouri.

Dear Sir:

Your letter reads as follows:

"The County Court has requested me to write your office for an opinion as to how they should calculate the 'necessary expenses' of a Sheriff for conveying a prisoner to the Boys' Reformatory at Boonville. Sec. 8357 provides in case of a misdemeanor these costs are payable by the county from which the prisoner is sent, and provides that the Sheriff shall be allowed "the necessary traveling expenses of himself and such person, and a per diem of two dollars for the time, etc." The question before our Court is whether the Sheriff would be allowed a sum equal to the actual railroad fare should such Sheriff convey the prisoner by automobile, and what would be 'necessary traveling expenses' if conveyance is by automobile?"

If automobile method of conveying prisoner to Boonville is more expensive than using the railroad, then the railroad should be used. In no event should a method of transportation be used that will incur expense in excess of the usual cost of ordinary means of travel of making the trip from Alton, Missouri to Boonville.

If automobile is used, the necessary oil and gasoline and the lodging at hotel and payment for meals is all the Sheriff should charge, plus, of course, Sheriff's per diem. If his machine should need repair or he had to buy enroute one or more tires, I do not think he could charge same as necessary traveling expenses.

Very respectfully,

EDWARD C. CROW.

APPROVED:

REC. AM

Attorney General