

EMERGENCY RELIEF FUNDS:-No provision in Article 4 of Chapter 90, R. S. Mo. 1929, which prohibits the County, if they so desir to disburse a portion of their relief funds through the Federal Relief Committee.

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February 26, 1934.



Mr. Eugene A. Farris,
Prosecuting Attorney Ray County,
Richmond, Missouri.

Dear Sir:

We are acknowledging receipt of your letter in which you inquire as follows:

"I would like to have your opinion upon the following question:

'Has the County Court the right to turn over all their pauper funds to the Federal Relief Committee for disbursement?'

As I told you in our telephone conversation, a lady representing this Committee has demanded of our County Court that they turn over to our local relief committee their pauper funds, which will amount to about \$500.00 per month, so that the committee might disburse the same.

I noticed one paragraph in the law (Federal) or at least it was contained in a pamphlet, wherein it was stated that 'all support for widows and orphans, etc., would have to be taken care of through the present County and Municipal Boards.'

There has been considerable complaint here about the way this relief money has been disbursed, and our Court does not feel like turning this amount of money over to them. They also threaten that in the event the County does not turn this money to them, all Federal Relief will be withdrawn from this County, what do you know as to that?"

The provisions dealing with the support of the poor for counties are found in Article 4 of Chapter 90, R. S. Mo. 1929. Section 12950 provides that the poor shall be supported by the County in which they are inhabitants. Section 12951 defines who are poor persons and Section 12952 defines who are inhabitants. Section 12953, provides as follows:

"The county court of each county, on the knowledge of the judges of such tribunal, or any of them, or on the information of any justice of the peace of the county in which any person entitled to the benefit of the provisions of this article resides, shall from time to time, and as often and for as long a time as may be necessary, provide, at the expense of the county, for the relief, maintenance and support of such persons."

Section 12954, provides as follows:

"The county court shall at all times use its discretion and grant relief to all persons, without regard to residence, who may require its assistance."

Then follows several sections dealing with the allowance for funeral expenses, purchasing of land, erection of poorhouses, etc.

Section 12961, R. S. No. 1929, provides as follows:

"The several county courts shall set apart from the revenues of the counties such sums for the annual support of the poor as shall seem reasonable, which sums the county treasurers shall keep separate from other funds, and pay the same out on the warrants of their county courts."

We do not find anything in this Chapter which would prohibit the county court from disbursing their money for the support of the poor through the Federal Relief Committee. Section 12961 provides that the money shall be drawn out of the treasury upon the warrants of the county court, but we do not interpret that section to mean that the money may not be drawn out of the treasury on the warrants of the county court to be distributed by the Federal Relief Committee. Of course, we do not wish to be understood as ruling that this Committee would have any jurisdiction over the disbursement of funds for those who are housed at the County poor farm. The statute expressly provides that the poor farm shall be under the jurisdiction of a superintendent, but we find no provision in the statute which would prohibit county courts from using the Federal Relief Committee as a medium through which it might disburse funds for the benefit of the poor where they are not residents of a poorhouse.

We do not find any provision in the Emergency Relief Act of 1933 which provides that the support of widows and orphans shall be through the present county and municipal

board. There may be some such regulation issued by those in charge of this relief. While we do not know by what authority the statement is made, we have been informed that one of the Federal requirements is that in the event the County does not turn its relief money over, the Federal Relief will be withdrawn from the County. This is a matter, we understand, of purely Federal regulation.

We are of the opinion, therefore, that there is no provision in Article 4 of Chapter 90, R. S. Mo. 1929, dealing with the support of the poor by the County which would prohibit it from disbursing its relief money through the medium of the Federal Relief Committee. This relief money, of course, does not apply to money for the support of poor farms and other County institutions.

Very truly yours,

FRANK W. HAYES,
Assistant Attorney General.

APPROVED:

Attorney General.

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