

Counties: Refunds from State, taking over bridge to which county contributed, may be put in general revenue fund of county by county court. On transfer or paying back to other counties their contribution no commission allowable under 12316, R. S. 1929.

December 7, 1934.

12-10



Honorable Louis B. Stigall
Chief Counsel
Highway Department
Jefferson City, Missouri

In Re: State Eleemosynary Institutions v.
Buchanan County

Dear Sir:

On January 19, 1934 we obtained a judgment against Buchanan County in favor of State Hospital No. 2 for \$43,144.65, and a judgment on March 9, 1934 against Buchanan County in favor of the State Sanatorium for \$1,839.34.

We understood that monthly refunds were being made to Buchanan County by the State Highway Department, and that these refunds were set aside in May, 1932.

The judgment in behalf of the State Sanatorium was obtained for warrants issued during the year 1932 to that institution, but which warrants were not paid. The judgment in favor of State Hospital No. 2 against Buchanan County was for the care of insane patients for the year 1932 in the principal sum of \$39,401.51, which, including interest, made the total amount of the judgment \$43,144.65.

I am enclosing herewith a copy of an opinion previously written by this office relative to the use of the money to be refunded, which opinion, I understand, is based upon a similar set of facts involved in this case. Under this opinion, the refund set up in 1932 could be used for the payment of these judgments against Buchanan County for bills incurred by that county to the eleemosynary board for the year 1932.

#2 - Honorable Louis B. Stigall

It is the opinion of this office that under the attached previously prepared opinion, the refund of \$37,000 now available for Buchanan County may be paid and applied on the judgments held by the eleemosynary board against that county.

Yours very truly,

FRANKLIN E. REAGAN
Assistant Attorney General

APPROVED:

ROY McKITTRICK
Attorney General

PER:FE
Enc.