

SHERIFF:) Sheriff authorized to purchase supplies for
JAIL:) County Jail.

2-19

February 17, 1936



Mr. A. R. Gibson
Sheriff
Putnam County
Unionville, Missouri

Dear Mr. Gibson:

This is to acknowledge receipt of your letter of February 13, 1936, in which you request an opinion from this Department. From your written request, and orally, we understand that you desire our opinion as to whether it is the duty of the Sheriff to purchase supplies for the County Jail in your County or whether the county court may by order assume such responsibility and make the purchases itself.

Sections 8524 and 8526, Revised Statutes of Missouri, 1929, provide respectively as follows:

(8524)

"There shall be kept and maintained, in good and sufficient condition and repair, a common jail in each county within this state, to be located at the permanent seat of justice for such county."

(8526)

"The sheriff of each county in this state shall have the custody, rule, keeping and charge of the jail within his county, and of all the prisoners in such jail, and may appoint a jailer under him, for whose conduct he shall be responsible; but no justice of the peace shall act as jailer, or keeper of any jail, during the time he shall act as such justice."

The latter section gives the sheriff "custody, rule, keeping and charge of the jail within his county, and of all the prisoners in such jail." Under this section the sheriff has the authority and power, and it is his responsibility, to purchase all the necessary supplies for the county jail.

In an early case on the subject, *Harkreader v. Vernon County*, 216 Mo. 696, 1. c. 708, it is said:

"It is written in the statutes that jails should be 'kept and maintained in a good and sufficient condition,' etc. (R. S. 1899, sec. 8104), that is, 'good and sufficient' in a modern sanitary sense, having an eye to the sure results established by scientific investigation of the disease-breeding effects of filth and bad air."

In the case of *Kansas City Sanitary Co. v. Laclede County*, 307 Mo. 10, 269 S. W. 395, 1. c. 398, the court said:

"Under section 12549 the jail is required to be kept in good and sufficient condition and under section 12551 the sheriff of the county has the custody, keeping, and charge of the jail. He therefore has full authority to purchase all supplies necessary to keep such jail in good and sufficient condition, which includes sanitary condition, and needed no authorization by the county court to render the county liable for purchases for such jail for such purpose. *Harkreader v. Vernon County*, 216 Mo. 696, 116 S. W. 523."

The opinion in the above case was quoted from approvingly in the case of *Hammond & Stevens v. Christian County*, 62 S. W. (2d) 844-845.

Mr. A. R. Gibson

-3-

Feb. 17, 1936

From the statutes and the above and foregoing cases interpreting same, it is our opinion that the Sheriff has the authority to purchase the necessary supplies for the County Jail and he needs no authorization or order from the County Court so to do.

Very truly yours,

COVELL R. HEWITT
Assistant Attorney-General

APPROVED:

ROY MCKITTRICK
Attorney-General

CRH:EG