

September 4, 1963



Honorable Charles G. Hyler
Prosecuting Attorney
St. Francois County Courthouse
Farmington, Missouri

Dear Mr. Hyler:

We have received your opinion request of August 23, 1963, in which you have inquired about sheriff's bills for feeding and boarding of prisoners, and the authority of the county court to pay or not to pay these bills.

To answer your question I am enclosing two opinions as follows: No. 1 to the Hon. John Hosmer, Webster County, Marshfield, Missouri, dated December 20, 1954, and No. 2, an opinion to the Hon. D. R. Jennings, Prosecuting Attorney, Montgomery County, March 10, 1952. A full reading of these enclosed opinions will, I believe, answer your questions. I specifically direct your attention to page 11 of the opinion to D. R. Jennings, wherein it is stated in subparagraph 3 as follows:

"The County Court is required by the statute to audit the monthly statement of the Sheriff to determine if such board and food have been furnished at actual cost, and if so to then draw a warrant on the County Treasury payable to the Sheriff for such actual cost of performing such services." (Emphasis supplied.)

From a reading of the above quoted portion of said opinion conclusion, it would appear to me that if the county court should ascertain by the required audit that the statement of the sheriff reflected the fact that such board and food had not been furnished at actual cost, they could refuse to pay such statement.

Very truly yours,

THOMAS F. EAGLETON
Attorney General

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