

ELEEMOSYNARY INSTITUTIONS:

Counties must pay board of managers in cash for up-keep and support of insane poor, but the sending of a warrant or a check, if such represents cash, complies with Section 8636, R. S. 1929. X

May 19, 1936.



Honorable W. Ed. Jameson  
President Board of Managers  
State Eleemosynary Institutions  
Jefferson City, Missouri

Dear Mr. Jameson:

This is to acknowledge your letter as follows:

"I enclose you herewith letter from the County Treasurer of Jackson County, asking if they could not group together for payment the accounts of two or more wards, from the county in the state eleemosynary institutions, and pay them with one warrant. He further asked if we could not be permitted to accept the warrants at the institutions in payment of these accounts.

"In view of the fact all counties are now operating under the Budget Law, and the further fact that maintenance of these patients is the first charge upon the revenue, I would like to ask if there would be any objection to counties sending us warrants, but not giving them credit on our books until the warrants have been cleared. I feel quite sure many counties would send their warrants promptly, if we were permitted to do this."

Section 8636, Laws of Missouri, 1935, page 388, provides in part as follows:

"The several county courts shall have power to send to the state hospital such of their insane as may be entitled to admission thereto. The counties thus sending shall pay semi-annually, in cash, in advance, such sums for the support and maintenance of their insane poor, as the board of managers may deem necessary, not exceeding six dollars (\$6.00) per month for each patient; and in addition thereto \* \* \* \* \*; and for the purpose of raising the sum of money so provided for, the several county courts shall be and they are hereby expressly authorized and empowered to designate and sell their warrants, issued in such behalf, whenever it becomes necessary to raise said moneys so provided for."

The above statute is unambiguous and specifically requires payment by the counties for their insane poor in cash, to the board of managers. However, the words "in cash" do not mean that the counties must send the cash money but could, in lieu thereof, send something representing cash, i.e., a check. However, no matter in what form the payment is sent it must be reducible immediately to cash. In other words, if the county court sends a check, that check must be good and negotiable and the money receivable on demand therefor. We perceive no objection to the county court sending a warrant, if said warrant is payable on demand in cash. But if it is necessary for the warrant to be protested or held any length of time in order to receive the cash thereon such would not amount to a payment of the county's indebtedness for insane poor.

You will thus understand that the method employed, whether by check or warrant, by the counties in paying for the support and maintenance of their insane poor would be a matter of form only, if in fact such check or warrant represented or was immediately convertible into cash. In our opinion, we see no reason why the board of managers (if it so desires) may not accept county warrants in payment of county indebtedness for support and maintenance of insane poor in state hospitals if such warrants are convertible on demand into cash.

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You will understand that by virtue of the Laws of Missouri, 1933, pages 414-415, that all moneys received by the board of managers of eleemosynary institutions must be placed in the state treasury. Consequently, a warrant, if such had to be protested and was not immediately payable into cash, should never go into the state treasury. Thus, if the Board of Managers accepts warrants from the counties in payment of the support and maintenance of insane poor, such warrants must be payable in cash on demand. Otherwise, the acceptance of warrants would be violative of Section 8636, supra, in our opinion.

We answer your question "if they could not group together for payment the accounts of two or more wards and pay them with one warrant," check or cash payment, in the affirmative, in our opinion, just so long as the grouping indentifies the wards for which payment is made.

Yours very truly,

James L. HornBostel  
Assistant Attorney-General

APPROVED:

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JOHN W. HOFFMAN, Jr.,  
(Acting) Attorney-General

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