

County Warrants—Registration of—Order of Payment.

County warrants must be paid in the order of presentation to the Treasurer. If the fund is insufficient to pay any warrant it must be registered upon presentation.

Any unregistered warrant issued subsequently to those registered should not be paid before those already registered.

Charles L. Tyman, Esq.,
County Attorney,
White Sulphur Springs, Montana.

My dear Mr. Tyman:

You have submitted to this office the following question:

"Where a warrant is issued by order of the County Board and the County Treasurer has not funds sufficient to pay the same, and it is registered, can the County Treasurer pay warrants subsequently issued which have not been registered before paying off the warrants registered. In other words, does the registration of the warrants make it the duty of the County Treasurer to pay them before warrants issued subsequently and not registered?"

Section 2949 of the Revised Codes of 1907 reads as follows:

"Warrants drawn by order of the board on the county treasurer for the current expenses during each year, must specify the liability for which they are drawn, and when they accrued, and must be paid in the order of presentation to the treasurer. If the fund is insufficient to pay any warrant, it must be registered and thereafter paid in the order of its registration."

You will note that according to this section the warrants "must be paid in the order of presentation to the treasurer." The provision that if the fund is insufficient to pay any warrant it must be registered

presupposes its presentation to the Treasurer. It could not be registered without being presented to the Treasurer. It follows that any unregistered warrant issued subsequently to those registered could not be presented before those that had already been presented for the purpose of registration, and the requirement that they be paid in order of their presentation would preclude the payment of the later issued warrants before those that had already been registered. See Territory ex rel. Largey v. Gilbert, 1 Mont. 371.

Very truly yours,

WELLINGTON D. RANKIN,
Attorney General.