

Warrants, County—County Clerks—Mailing County Warrants Without Order from Claimant.

A county clerk would be acting on his own responsibility in mailing out a county warrant to claimant without an order for the same.

February 3, 1917.

Hon. H. S. Magraw,
State Examiner,
Helena, Montana.

Dear Sir:

I have your letter of January 31st, submitting the following question:

“Is a county clerk authorized by law to mail out or send a county warrant to a claimant, without the claimant appearing in person for the warrant or sending a written order for same?”

There is no provision of the law of this state requiring a person to whom a warrant has been issued, to appear in person before the county clerk for the same, and there is nothing to prohibit the county clerk from mailing the same to the claimant. However, unless the county clerk has been requested by the claimant to so send the warrant, either verbally or in writing, the clerk would be acting on his own responsibility.

It would seem to me, that in order to avoid confusion, the county clerk should in no case send or mail county warrants without a written order from the claimant.

Respectfully,

S. C. FORD,

Attorney General.