

County Treasurer—Budget Law—Warrants.

The County Treasurer can not give preference to warrants issued subsequent to the enactment of the Budget law where warrants issued prior to this enactment had been registered.

L. Q. Skelton, Esq.,
State Examiner,
Helena, Montana.

My dear Mr. Skelton:

You have asked whether a County Treasurer should pay registered warrants that were issued subsequent to the enactment of the Budget Law in preference to warrants issued and registered prior to the enactment of this law.

Mr. Justice Holloway has answered this question in the case of State vs. District Court, 62 Mont. 275, at page 280, as follows:

“The warrants registered prior to July 1 were a direct charge upon the entire poor fund. They had been issued and registered under the statutes then in force and it would not have been competent for the Legislature to give preference to other claims over them. (Citing cases.) There is not anything in the legislation, however, to indicate an attempt to impair the obligation of those contracts.”

It is, therefore, my opinion that the County Treasurer cannot give preference to warrants issued subsequent to the enactment of the Budget Law where warrants issued prior to this enactment had been registered.

Very truly yours,

WELLINGTON D. RANKIN,
Attorney General.