

Opinion No. 115.**Public Welfare—Payment of Assistance—What Constitutes.**

HELD: Deposit of checks in the U. S. Mail, in payment of assistance under Chapter 82, Laws of 1937, constitutes payment and delivery.

June 30, 1937.

Mr. I. M. Brandjord, Administrator
State Department of Public Welfare
Helena, Montana

My dear Mr. Brandjord:

You have submitted for opinion the question when payments of assistance grants are completed.

Section XIX, Part I, of Chapter 82, 1937 Sessions Laws, provides:

“(a) Checks in payment of public assistance, as provided for in each part of this act, with the exception of general relief, shall be issued by the state department upon approved lists of such eligible grantees as are forwarded by the county department to the state department and all such checks will be mailed to the individual recipient. The checks in payment of public assistance shall be issued in the full approved amount for each eligible approved grantee and the original monthly payment shall be from the state public welfare accounts. All public assistance checks shall represent cash on demand at full par value to the recipient.”

The statute has designated the manner and form of delivery of these

checks, and said designation specifies that the delivery shall be by mail. The checks are not a mere promise to pay, but in themselves, and by the terms and provisions of the statute, represent cash, and under the terms and provisions of the above statute, when said checks have been deposited in the United States mail, delivery to the recipient is complete.