

**Feeble Minded Children, Care and Maintenance Of, Transfer or
Commitment of to School for Deaf and Blind.**

Laws of 1905, p. 320, make an appropriation for the care and maintenance of feeble minded children at the school for the Deaf and Blind. Section 2344 provides that on application the district court must order a child sent to such school. The expense of clothing and transportation of the children to be furnished by the county superintendent of schools at the expense of the county. Feeble minded children now at the Orphans' Home should be sent at the expense of the county to the school for the Deaf and Blind.

Helena, Montana, Oct. 10, 1905.

Mr. Wiley Mountjoy, Superintendent, Orphans' Home, Twin Bridges, Montana.

Dear Sir:—Your letter of the 9th instant, relating to feeble minded children now in charge of your institution, received. Prior to the last session of the legislature there was no appropriation given to the school for the deaf and blind for the care and maintenance of feeble minded children, but by House Bill No. 39, laws 1905, page 320, such an appropriation was made and that institution is now in a position to care for such children.

Section 2471, Political Code, as amended by the laws of 1903, page 58, provides that the trustees of the Orphans' Home, when they have a

child whom it is ascertained is not a proper subject for such institution, may return such child to the county from which it was sent at the expense of that county.

Section 2345, Political Code, as amended by Chapter 25, Laws 1903, provides that the clerks of the school districts must take a census of all feeble minded persons within their districts, and that the county superintendent of each county must each year send such list to the school for the deaf and blind.

Section 2344, Political Code, provides that in cases where the child sent to such school is too poor to pay for necessary clothing and transportation, the judge of the district court of the district where such person resides, upon application of any relative or friend or of any officer of the county, shall, if he deem the person a proper subject, make an order to the effect that the clothing and transportation of such person shall be furnished by the superintendent of schools at the expense of the county and that the county commissioners shall allow and pay the same out of the county treasury.

Under the above laws it would seem that the course to pursue would be for you to communicate with the county commissioners or the superintendent of schools of the counties from which such children were sent and ascertain if such children were too poor to pay for the necessary clothing and transportation. If they are too poor, then you should either return the children to the county, whereupon the county authorities can make application to the district court and get an order directing the expenses of clothing and transportation to be paid by the county and send such children to the school for the deaf and blind, or possibly the county authorities could so arrange it as to have you send the children directly from your institution to said school upon the county paying the expenses. If the children do not come within the class whose expenses for clothing and transportation are to be paid by the county, then it would seem that your only course would be to return these children to the county from which they came and the clerk of the school district would then send in their names to the school for the deaf and blind, and the children would be handled in the same manner as though they had never been sent to the Orphans Home. If the children are too poor, and the county authorities do not wish to make arrangements with you direct for transferring them to the school for the deaf and blind, then your only course would be to return them under the authority given you by said Section 2471, as amended, whereupon the county authorities could take such action as they deem best.

Yours very truly,

ALBERT J. GALEN,

Attorney General.