

**State Treasurer. Escheated Estates. Money and Effects of
Insane Persons Dying in the Asylum, Disposition Of.**

Money of insane persons dying in the asylum, which has been turned over to the State Treasurer must be placed to the credit of the General Fund. Money and effects of deceased persons dying without heirs or claimants and turned over to the State Treasurer

must be placed to the credit of the escheated estates fund and held for twenty years, at the end of which time it is transferred to the permanent school fund.

Helena, Montana, August 2nd, 1906.

Hon. James H. Rice, State Treasurer, Helena, Montana.

Dear Sir:—In compliance with your verbal request, you are hereby advised that money of insane persons dying in the Insane Asylum, which has been turned over to you by the Warden or Contractors of the Insane Asylum, should be immediately placed to the credit of the General Fund of the State. Sec. 2309, Pol. Code, as amended by the Laws of 1897, p. 164, expressly provides that such money must be placed to the credit of the general fund, and makes no provision for holding it for any period of time before so crediting it.

Money and effects turned over by County Treasurers to you in accordance with Sec. 4521 of the Political Code, must be disposed of in the same manner as other escheated estates; that is, under the provisions of Sec. 2253 of the Code of Civil Procedure. This money or property, or the proceeds of the property when the same has been sold, must be carried by you in a special fund, such as the "Escheated Estate Fund", for a period of twenty years from the date of judgment rendered in accordance with Section 2252 of the Code of Civil Procedure, or for the period of twenty years from the date of the decree allowing final settlement of any estate, where there are no heirs or other claimants, as provided in Sec. 4521 of the Pol. Code.

If no person has filed a petition during such period, showing his claim or right to establish the same in the manner provided in said Section 2253, then the money at the end of twenty years must be transferred from the Escheated Estate Fund account to the Permanent General Fund of the state as provided by Sec. 2, Art. 11 of the State Constitution.

Whenever personal property other than money, or other representative of money, comes into the hands of the State Treasurer, he may sell the same at public auction after giving at least two days notice of the time and place of sale, and description of the property to be sold, such notice may be given either by posting the same in three public places or by publishing such notice in some newspaper, or both, as in his judgment may seem best.

If the property sold was property of an insane person who died in the Asylum and was turned over to you by the authorities of the Insane Asylum, then the proceeds from such sale should immediately be placed to the credit of the General Fund, but if the property was turned over to you under the provisions of Sec. 4521 of the Pol. Code, then the proceeds of the sale must be credited to the Escheated Estate Fund and handled as other moneys carried in such fund.

Very truly yours,

ALBERT J. GALEN,

Attorney General.