

**Poor Persons, Care of Non-Residents.**

Persons who are non-residents of the State and temporarily employed in different counties in the State do not thereby acquire residence in any of said counties, and are properly cared for in the county in which they become destitute, unless the county authorities of some other county have sent them into that county for the express purpose of avoiding the expense of caring for them.

Helena, Montana, Nov. 30, 1907.

Hon. A. P. Heywood,  
County Attorney,  
Helena, Montana.

Dear Sir:—

Your letter of the 8th inst. received, in which you request an opinion upon the following statement of facts:

“Upon what county does the duty to care for the indigent sick devolve, under the following circumstances: a resident of Minnesota working on the railroad in Cascade county, was taken sick with typhoid fever in Cascade county, and subsequently came into Lewis and Clark county and was, by the county physician, committed to the County Hospital?”

From the above statement it appears that this party is a resident of Minnesota. That being the case, the fact that he temporarily worked in Cascade county would not make him a resident of that county, for under Section 72 of the Political Code there can be only one residence and “it is the place where one remains when not called elsewhere for labor or other special or temporary purpose, and to which he returns in seasons of repose.” It would therefore appear from your statement that the person in question was no more a resident of Cascade County than of Lewis and Clark County.

Section 3212 of the Political Code provides that “persons who have not been residents of the county two months may be furnished relief by the commissioners in cases of extreme necessity and destitution.”

Of course if the person in question was in such condition while in Cascade County that he should have been furnished relief by the county commissioners, and the commissioners instead of furnishing him such relief transported him to this county, and if you are able to prove that such was the case, in our opinion, the expense of caring for the person here would be a proper charge against Cascade County. But if he was taken sick in Cascade County, and later came to Lewis and Clark County without the authorities of Cascade County being instrumental in sending him here, in order to avoid the expense of caring for him, that would not make Cascade County liable for his care in the event that he became entitled to relief under said Section 3212 after his arrival in Lewis and Clark County.

Therefore, from the facts stated in your letter, we are of the opinion that the expense for caring for such persons is a proper charge

against Lewis and Clark County, unless the authorities of Cascade County sent him here for the purpose of escaping the expense of caring for him.

Very truly yours,

ALBERT J. GALEN,

Attorney General.