County Physician, Must Be Resident Practicing. Contract With County Physician. Board of County Commissioners May Contract With Resident Practicing Physician for Care of Poor and Infirm.

The Board of County Commissioners must at their December meeting make a contract with some resident practicing physician to furnish medical assistance to the sick poor and infirm of the county and to the inmates of the county jail.

No specified period of residence is required.

<div align="right">Helena, Montana, Dec. 4th, 1908.</div>

Board of County Commissioners, Beaverhead County, Dillon, Mont.
Gentlemen:

Your letter of December 1st, 1908, requesting my opinion as to whether or not you have authority to enter into a contract employing as county physician a practitioner of medicine holding a certificate from the State Board of Medical Examiners of this State, who has declared Beaverhead County to be his residence, but who has not been in the State for a period of one year preceding the submission of his bid to your board.

Section 2056 Revised Codes of the State of Montana, provides that the board must annually at their December meeting make a contract with some resident practicing physician to furnish medical attendance to the sick, poor and infirm of the county and to the inmates of the county jail. The only limitation provided by this section of the code is that the contractor must be a resident, practicing physician. No specified period of residence is required. Section 32 of the same codes provides the rules for determining residence. Subdivision 7 of that section provides that "a residence can only be changed by the union of act and intent." The act of the contracting physician in coming into the county and declaring it as his residence would seem to be sufficient to bring him within the terms of Section 2056.

I am enclosing you an opinion heretofore addressed to Hon. Florian A. Carnal, County Attorney of Chouteau County, which has some bearing on the question submitted by you.

<div align="center">Very respectfully yours,
ALBERT J. GALEN,
Attorney General.</div>