

County Attorneys, Duties of. Duties of County Attorneys.

Sec. 3052, Revised Codes of Montana, 1907, makes it the duty of the county attorney to appear on behalf of the state in all matters concerning the state arising within his county.

March 6th, 1914.

Hon. T. D. Tuttle,
Montana State Tuberculosis Sanatorium,
Warm Springs, Montana.

Dear Sir:

I am in receipt of your communication under date of March 2nd, requesting my opinion as to your duty in the matter of collections for treatments given to private patients at the tuberculosis sanatorium. The first case put by you is that of a woman placed in the sanatorium by her husband, under an agreement that she should be charged \$5 per week. You state that her husband is an able-bodied man, but that he has failed and refused to make payment for her care subsequent to October 20th, 1913. I think under the laws of this state that he would be liable for the agreed amount, and that the same could be collected in a proper suit.

The second case is that of a private patient who agreed to pay \$15 per week, and upon whose account there is now due \$60.75. You state that he has recovered. This, too, is a case, I think, when such recovery could be had by suit. As to the authority of the county attorney in such matters, I will say that Subdiv. 1 of Sec. 3052, Revised Codes of Montana, 1907, provides in part as follows:

"The county attorney is the public prosecutor and must * * * represent the state in all matters and proceedings to which it is a party, or in which it may be beneficially interested, in all times and in all places within the limits of his county."

As to the advisability of entering suit for the collection of these various sums, I think they are chiefly matters of policy and administration, and that you or the board which has charge of the fiscal affairs of the institution are in the best position to know what action should be taken.

Yours very truly,

D. M. KELLY,
Attorney General.