

Poor, Indigent and Sick, of County, Care of. County Commissioners, Power of to Care for Poor. Poor Farm, Not Exclusive.

The county commissioners may furnish aid to poor and indigent otherwise than by sending them to county poor house.

Helena, Montana, November 27, 1916.

Hon. M. L. Rickman,
Secretary Bureau Child and Animal Protection,
Helena, Montana.

Dear Sir:

I am in receipt of your letter of the 24th instant, submitting a question transmitted to you by a county attorney:

“May a county lawfully provide for the indigent residents in any other manner than by committing adults to the county poor farm, and children to state institutions?”

Section 2054 of the Revised Codes, as amended by Chapter 29, Laws of 1909, construed by the Supreme Court in *State v. Hindson*, 44 Mont., 429, 120 Pac. 485, is to the effect that the county commissioners must enter into a contract for the care, support and maintenance of the indigent sick, poor and infirm of the county for one year. The provisions of this statute, however, are not exclusive, and it is nowhere provided that all of the poor, sick or indigent, whether adults or children who require aid from the county, may receive aid only through and under this contract. The authority of the county to aid

persons other than through the agency of the county poor house, is clearly expressed in other provisions of the statute. Subdivision 5, Section 2894, confers direct authority, and in effect commands the county board to care for the indigent, sick and poor, and confers authority to "erect and maintain hospitals therefor, or otherwise provide for the same." In Subdivision 7 of Section 3199, in enumerating county charges, it is said:

"The necessary expenses incurred in the support of county hospitals and poor farms, and the indigent sick and the otherwise dependent poor whose support is chargeable to the county." Section 2060 and 2063 must also be referred to. The phrase "or otherwise provide for same," appearing in Subdivision 5 of said Section 2894, is direct authority for rendering aid to the needy otherwise than through the medium of the county poor farm. It was never the intent of the law that a person needing assistance must be wholly incapacitated before any help could be extended. A family for instance, might be able to partly sustain themselves, and still under the ruling, the county would be powerless, except it removed the entire family to the county poor house. An expenditure of a few dollars a week or month might enable the family to support itself. But discussion is not required. It is clearly the duty of the county to care for its indigent poor and sick, whether they are adults or children, and to do this it may commit them to the county hospital, or it may permit them to remain in their own homes, or even rent a home for them, and make allowances which will enable them to partly sustain themselves, or to maintain their children in the schools, or to save them from the odium which always attaches to a commitment to a county poor house.

Yours very truly,
J. B. POINDEXTER,
Attorney General.