

**City—Non-Resident, Students at County High School—
Liability For Care at County Hospital.**

A city is not liable for care of non-resident students of County High School at County Hospital.

May 1st, 1919.

Mr. Stewart McConochie,
County Attorney,
Lewistown, Montana.

Dear Sir:

Replying to your letter of March 20th, relative to the liability of the City or County for the care at the county hospital of students attending the County High School at Lewistown from other places in Fergus County, I have to advise as follows:

It is my opinion that you are correct in your conclusion that the city is not liable for these expenses.

The portion of Section 1484 to which you direct my attention is in my opinion not applicable for the reason that it has reference only to "incorporated towns of less than five thousand inhabitants." Section 1489 gives both local and county boards of health power to furnish medical treatment and care for sick persons at the expense of the city or county, but this should not be construed as giving the local board power to furnish such care at the expense of the county, nor the county boards at the expense of the city.

In my opinion the language of Section 1497, as amended by Chapter 117 of the 1909 Laws, is decisive of this question. Under it a city or town is liable for all such expense incurred with reference to "residents" within it except paupers and the county is liable for such expense "with reference to persons who are not residents of such city or town." Students temporarily attending your high school from outside points are not "residents" of Lewistown. They are, in my opinion, "sojourning or temporarily stopping therein" within the meaning of Section 1497. The rules for determining residence laid down in Section 24 of Chapter 12 of the 1915 Session Laws, in my opinion have reference rather to the determination of residents for the purpose of regulations or voting but might as you suggest be persuasive in a case of this sort.

Respectfully,

S. C. FORD,

Attorney General.