

Relief—Election—Seed Grain, Limited To—County Commissioners, Powers Of.

Where under the provisions of Chapter 8, Extraordinary Session Laws of 1919, the electors voted upon the single proposition of extending relief for seed grain, the county commissioners have the authority to grant relief for any of the purposes mentioned in the act.

November 21, 1919.

Mr. P. C. Cornish,
County Attorney,
Baker, Montana.

Dear Sir:

You have requested an opinion as to whether the Board of County Commissioners have power to grant all the relief provided for under Chapter 8 of the Extraordinary Session Laws of the 16th Legislative Assembly where the petition to the board for the holding of the election prayed for relief provided for in the Act but where the board in submitting the proposition to the electors eliminated all relief other than that of seed grain.

The jurisdiction of the board to act depends upon the petition of one hundred freeholders resident of the county. Upon filing this petition the board shall make an investigation of the necessity for relief as prayed. If they find it is necessary, they shall make an order granting the petition. They shall then make an estimate of the amount of seed grain, feed, provisions and other supplies required for such purpose. Other provisions of the Act relate to calling the election, publishing a proclamation, holding an election, and the form of ballot to be used and the question to be submitted.

Section 1 of the Act provides that to enable the several counties of the State of Montana to provide relief for their inhabitants, who by reason of misfortune are entitled to the aid of society, the Board of County Commissioners, upon petition as hereinafter provided, are authorized to purchase and provide seed grain, feed, provisions and other necessary supplies.

Section 21 of the Act provides all inhabitants of a county, who by reason of drought, hail or unfavorable climatic conditions, are financially unable to procure the relief herein authorized, and who desire to avail themselves of the benefits of this Act, shall file with the county clerk an application for the relief desired.

The jurisdiction of the board to act depends upon the filing of the petition and from your letter it appears that this petition followed the wording of the statute. When this petition was presented it was within the jurisdiction of the board, after investigation, to either grant or deny the same. There is no provision in the statute for their attempting to limit or modify the petition in any way or limit the relief prayed for to any one of the particular things mentioned in the statute. It was evidently the intention of the petitioners to secure the relief provided for in the Act.

I am, therefore, of the opinion that the vote at the election carried into effect the provisions of the Act as a whole, that the purposes of the Act as stated therein is to provide relief for the inhabitants who by reason of misfortune are entitled to the aid of society, and that the enumerating of seed grain, feed, or provisions was not intended to limit the board to merely furnishing these or any one of these things.

Section 30 of the Act provides that any balance remaining in the fund after necessities for aiding farmers shall have passed and after all indebtedness incurred under the Act shall have been paid shall be transferred to the general fund of the county.

I am, therefore, of the opinion that the relief may be granted for any one of the things mentioned in the statute notwithstanding that at the election the proposition submitted was for seed grain.

Respectfully,

S. C. FORD,

Attorney General.