

Poor Farms — Constitutional Law — County Commissioners — Purchase.

A proposal to purchase a tract of land for a county poor farm at a price of \$7500 must be submitted to the electors, as required by section 5 of article XIII of the constitution, it appearing that said land was not equipped with buildings or improvements necessary for the housing and care of the county poor and that the cost of the same added to the cost of the land will exceed \$10,000.

April 23, 1928.

J. H. Forster, Esq.,
County Attorney,
Malta, Montana.

My dear Mr. Forster:

You have submitted to me the following statement of facts relating to the proposed purchase of land for a county poor farm:

The county commissioners of Phillips county propose to purchase a tract of one hundred sixty acres of land at a price of \$7500 for use as a county poor farm. The property is not provided with any farm implements, livestock, or machinery, nor is it improved with buildings suitable for the housing of the county poor. To provide adequate improvements and equipment for said purpose will necessitate the expenditure of more than \$2500, thus making the total cost of the poor farm in excess of \$10,000.

You have asked my opinion whether the expenditure of \$7500 for the purchase of the land can legally be made without submitting the matter to a vote of the electors as required by the last sentence of section 5 of article XIII of the constitution of Montana.

I am in accord with the conclusions which you have reached, viz, that the proposition must first be submitted to a vote of the people. The opinion of this office reported in volume 7, Opinions of the Attorney General, at page 128, seems to me to cover the matter fully and the conclusions there expressed are equally applicable, in my judgment, to the facts submitted in your letter.

In the case of *State ex rel. Turner vs. Patch*, 64 Mont. 565, our supreme court reviewed its former decisions construing the above pro-

vision of the constitution and defined the words "single purpose" as follows:

"To constitute a single purpose, or elements which enter into it must be so related that when combined they constitute an entity; something complete in itself but separate and apart from other objects."

In my opinion the acquiring of land for a county poor farm, the purchase of machinery and the construction of buildings to adequately equip the property for the purpose intended, are all parts of a single purpose, and if the total sum proposed to be expended for such purpose exceeds \$10,000, the matter must be submitted to the voters.

Very truly yours,

L. A. FOOT,
Attorney General.