

Opinion No. 581**Counties—Poor Funds—Feed,
Purchase of—Relief.**

HELD: County poor funds may not be used as a revolving fund to purchase feed in large quantities, which feed would then be sold to stockmen to be paid for in installments out of Federal aid.

July 30, 1934.

You have submitted the question whether the county may use county poor funds in order to set up a revolving fund to purchase feed for livestock, such feed to be sold to stockmen as their needs require and to be paid for by them in monthly installments when and as they receive monthly aid from Federal relief. The purpose of such use of county poor funds would be to permit the purchase of feed in large quantities at reduced prices and at an advantageous time or times. It is expected that there would be no losses to the county as the money would be all restored by stockmen as they received it from Federal aid, and the Relief office will furnish all necessary clerical help, trucks and labor. Theoretically the county would suffer no loss except a small amount in insurance.

I regret to advise that I can find no authority given by law to the county commissioners to lend or use the poor funds of the county for this purpose. In my opinion the money so used would not be "for the care and maintenance of the indigent sick or the otherwise dependent poor of the county," as provided in subdivision 5 of Chapter 100, Laws of 1931, amending Section 4465, R. C. M., 1921. It is true that in some instances it may prevent

persons from becoming "dependent poor," but the use of this money for such purpose is not authorized by statute and is too remotely connected with the care and maintenance of the dependent poor to come within the purpose of the statute, though liberally construed. I am unable to find in said Chapter 100 any express or implied authority given to the county commissioners to use county poor funds for the purpose stated.

Possibly some sort of a loan might be obtained from your local bank. The money could be returned by the stockmen as they received it. The bank would be just as secure in the loan as the county would be and, unlike the county, is in the business of lending money and thus serving the community. The item of interest and security could no doubt be arranged in some way.