

dera county have received an application for relief for a Canadian citizen who has declared his intention to become a citizen of the United States but has not yet received his final papers, and you ask whether, under such circumstances, he is entitled to receive relief from Pondera county.

The subject generally is covered by Chapter 12 of Part IV of the Political Code, 1921, and amendatory acts, by Section 4465, as amended by Chapter 100, Laws of 1931, enumerating the powers of County Commissioners and by the Old Age Pension Act, Chapter 170, Laws of 1935.

The man you mention is not eligible for an old age pension (Subdivision 3, Section 3, Chapter 170, Laws of 1935). Subdivisions 5 and 6 of Section 4465 R. C. M. 1921, as amended by Chapter 100, Laws of 1931, grant to the Board of County Commissioners general powers to care for the poor. Chapter 19 of the Session Laws of 1933-34 provide certain regulations governing applications for relief; the only requirements are that the applicant must have been a resident of the county for one year immediately preceding the day upon which application is made, and he must facilitate investigation of his financial condition in the manner set forth in Section 1 of said Chapter 19. Section 3 of said Chapter provides that persons who have not been resident of a county one year may be furnished relief by the Commissioners in cases of extreme necessity and destitution.

Nowhere in the acts mentioned, except the Old Age Pension Act, appears any requirement that an applicant for relief be a citizen of the United States. We see no reason or justification for implying such a requirement. Accordingly, it is our opinion that the man mentioned in your letter is not ineligible to receive relief by reason of his being a Canadian citizen.

Of course, if the man is an alien unlawfully in the country, a question is raised under the Federal Immigration Laws, which is not here presented.

Opinion No. 241.

Counties—Poor—Citizenship—County Commissioners.

HELD: A Canadian citizen who has declared his intention to become a citizen of the United States, but who has not yet received final papers is not ineligible to receive county relief.

January 30, 1936.

Mr. H. H. Hullinger
County Attorney
Conrad, Montana

In your letter of January 7 you state that the Commissioners of Pon-