

Section 4886 provides:

"The fees allowed sheriffs of the several counties of the state for the board of prisoners confined in jail under their charge shall be at the rate of seventy-five cents per day for each of said prisoners, when the number of prisoners shall be twenty or less each day; and when the number of the prisoners per day shall exceed twenty and be less than fifty, then at the rate of sixty cents per day for each of said prisoners in excess of twenty per day and less than fifty per day; and when the number of the prisoners per day shall exceed fifty, then at the rate of fifty cents per day for each of said prisoners in excess of fifty per day."

Section 12466 provides:

"There must be built or provided and kept in good repair in each county one common jail, at the expense of the county, at the county seat.

Section 12469 provides:

"Each county jail must contain a sufficient number of rooms to allow all persons belonging to either one of the following classes to be confined separately and distinctly from persons belonging to either of the other classes:

1. Persons committed on criminal process and detained for trial.
2. Persons already convicted of crime and held under sentence.
3. Persons detained as witnesses, or held under civil process, or under an order imposing punishment for a contempt.
4. Males separately from females."

The court said in the case of *Pacific Coal Co. v. Silver Bow County*, 79 Mont. 323, at page 325:

"The answer to the question presented necessarily depends upon a determination of the meaning of the words 'board of prisoners,' as used in Section 4886, supra. The word 'board,' while sometimes given a meaning broad enough to include both room rent and meals (*Heron v. Webber*, 103 Me. 178, 68 Atl. 744), as used in this section can only have reference to meals or food served to the prisoners, for the county jail re-

Opinion No. 191.

**Counties—Sheriff—Board of Prisoners—Blankets and Bedding for Prisoners, Cost of.**

HELD: The cost of bedding for prisoners confined in jail, is a proper charge against the county, and is not included in the fee allowed the sheriff for board of prisoners.

November 10, 1937.

Mr. Dan Stephenson  
Sheriff  
Billings, Montana

Dear Mr. Stephenson:

You have submitted the question as to whether or not the sheriff is required to purchase blankets and bedding for the county jail, with the fees allowed him under Section 4886, R. C. M. 1935.

quired to be provided by the county, must contain a sufficient number of rooms to accommodate those who are confined therein (Sec. 12469, Rev. Codes 1921). Therefore it appears that 'necessary food,' as used in Section 12482, and 'board of prisoners,' as used in Section 4886, are different expressions to convey the same idea."

The fee of 75¢ per day, allowed the sheriff, is for the board of county prisoners confined in the county jail, that is, for the furnishing of the necessary meals. The meaning of the word "board," as used in the statute, is not broad enough to include the purchase of bedding. The county is required to provide and maintain the jail, and such provision includes the furnishing of bedding, which is additional and different than the cost of boarding the prisoners. The cost of the bedding for the prisoners in the county jail is a charge against the county, and the county commissioners are legally obligated to pay the cost of the same; and in addition, must cause the sheriff to be paid 75¢ per day for the board of the prisoners.