

No 353

STATE VOCATIONAL SCHOOL FOR GIRLS, transportation expense to—COUNTIES, liability for transportation cost to State Vocational School for Girls

Held: The expense of "committing" a girl to the State Vocational School for Girls must include the mileage and costs of transportation incident to sending such girl to the said school and, under Section 12537, Revised Codes of Montana, 1935, such expense shall be borne by the county from which the girl is committed.

February 4, 1942.

Mr. J. E. McKenna
County Attorney
Fergus County
Lewistown, Montana

Dear Mr. McKenna:

You asked this office for an opinion with respect to what agency shall bear the cost of transporting girls to the State Vocational School for Girls at Helena.

Girls are committed to the State Vocational School for Girls under the provisions of Chapter 119 of the Penal Code of the Revised Codes of Montana of 1935. Section 12537 of the Revised Codes of Montana of 1935, which is included in that chapter, provides as follows in part:

" . . . the expense of committing such girl to the state vocational school for girls, of the returning of her to her parents or guardian after her release therefrom shall be at the expense of the county from which the girl is committed; . . . "

The word "commit" has several well defined meanings, including "the separate and distinct act of carrying the party to prison." (12 C. J. 148). In the case of *Guthmann v. People*, 203 Ill. 260, 67 N. E. 821, 822, the Supreme Court of Illinois said:

“The word ‘commitment’ has in law a well-defined meaning, and signifies the act of sending an accused or convicted person to prison (4 Ency. of Pl. and Pr. p. 567; Anderson’s Law Dic. 210; 1 Bouvier’s Law Dic. 296).”

To the same effect, see 15 C. J. S., p. 585.

It seems apparent, therefore, the expense of “committing” a girl to the State Vocational School for Girls must include the mileage and costs of transportation incident to sending such girl to said school; and, under Section 12537 of the Revised Codes of Montana of 1935, such expense shall be borne by the county from which the girl is committed.

Sincerely yours,

JOHN W. BONNER
Attorney General