

# Department of the Attorney General

WILEY E. JONES  
ATTORNEY GENERAL

STATE OF ARIZONA

LESLIE C. HARDY  
ASST. ATTORNEY GENERAL

PHOENIX

December 18, 1914.

Honorable Geo. W. P. Hunt,  
Governor of Arizona,  
Phoenix, Arizona.

Dear Sir:

For this Department I have the honor of acknowledging receipt of your communication of the 16th inst., asking whether immediate steps should be taken by the several counties to dispose of such institutions therein as come within the definition of "almshouses", as provided by the "Old Age and Mothers' Pension Law", adopted by the electorate at the general election held November 3rd, 1914.

Under date of the 2nd inst. this Department rendered an opinion to you in effect that county hospitals should be abolished if they are almshouses, as defined by that opinion. The law makes no provision as to when almshouses shall be abolished but, for which reason, the only construction that can be placed upon the law is that they should be abolished as soon as practicable after the act became effective.

This Department realizes that considerable anxiety is encountered by virtue of the fact that certain public institutions are almshouses, as defined by the law in question, for which reason they must be abolished. I understand that it is contended by certain persons that the law is, perhaps, unconstitutional, but, of course, your Excellency understands that this Department cannot proceed upon such a premise. All laws enacted by the legislative power of this State must be considered constitutional by this Department until they have been judicially determined otherwise.

I do not think, however, that it can be denied or gainsaid that the law, relating to old age and mothers' pensions, contemplates the abolition of almshouses and the funds derived therefrom used for the purposes of the act. In other words, it seems to be the purpose of the framers and enactors of this law that the certain dependent persons should not be cared for by the State and its agencies and in houses of charity, but that, on the other hand, money should be advanced directly to the objects of such charity by the State and its agencies themselves.

Yours very truly,

*Leslie C. Hardy*  
Assistant Attorney General.