

**Bounty Claim, Validity of. Statute of Limitations, as to  
Bounty Claim.**

There is no provision of the statute requiring bounty claims to be presented within any specified time.

There is no statute providing for suit under such claim, therefore the question of the statute of limitations would not arise.

August 21, 1913.

Honorable Board of Examiners,  
Helena, Montana.

Gentlemen:

In response to your oral request for my opinion as to the validity of the bounty claim of Joe Burke, certified to on the 1st day of March, 1907, and assigned on the 3rd day of March, 1907, to one Morris, I will say that the claim seems to be regular in form, and that the only question as to the validity thereof, raised by its contents, is the fact that six years have elapsed since the claim was made out. There is no provision of our statute requiring claims of this nature against the state to be presented within any definite time, and the mere lapse of time, therefore, would not necessarily invalidate the claim, nor can it be urged that the statute of limitations has run against such a claim as this, since the statute of limitations refers to the time within which an action can be brought, and as the state could not be sued without its consent, and there is no statute providing for a suit upon such claims as this, the question of the statute of limitations would not arise. The legislature has provided a means whereby persons interested in claims may appeal from the action of the board of examiners when claims are disapproved by them.

Sec. 242, Revised Codes of Montana of 1907.

You are, therefore, advised that if you find the claim submitted to be a valid one against the state, that there is no prohibition against your allowing the same and ordering a warrant drawn as in the case of other county warrants.

Yours very truly,

D. M. KELLY,  
Attorney General.