

Dependent Mothers and Children, County, Liability of. Liability of County, Under Dependent Mothers Act. Chapter 86, Laws 1915, Construed.

The liability of the county, under Chapter 86, Laws of 1915, must be determined by the question of fact as to whether the applicant is a bona fide resident of the county within the meaning of the Act.

May 7, 1915.

Hon. T. F. Shea,
County Attorney,
Deer Lodge, Montana.

Dear Sir:

I am in receipt of your letter of April 28th, relating to the liability of a county for the payment authorized by Chapter 86, Laws 1915, for the support of dependent mothers and children. Subdivision 5 of Section 3 of that Chapter, provides that the mother must have been a resident of the county for at least two years. This is, of course, a bona fide residence, not a mere temporary sojourn. The question of residence is largely a matter of intent, and is wholly a question of fact to be determined by the rules established for the determination of residence. In addition to the rules heretofore established for that purpose, you have now the additional rule as to whether the particular person is entitled to register and vote. Being wholly a question of fact, I am unable to determine as a matter of law anything more definite than that provided in the law for determining residence.

Yours very truly,

D. M. KELLY,
Attorney General.