

Widow's Pension, Who Entitled to.

A widow employed by school trustees as janitress, receiving a salary of \$65 per month, is not entitled to a pension under the provisions of Chapter 86, Laws of 1915.

August 28th, 1915.

Hon. Matt Canning,
County Attorney,
Butte, Montana

Dear Sir:

I am in receipt of your communication under date of the 20th inst., requesting my opinion as to whether under the provisions of Chap. 86, Fourteenth Session Laws, "a widow who is employed by the School Trustees as Janitress of a school building and receiving a salary of \$65 a month during school term is entitled to the allowance under the terms of that Act."

The whole purpose of Chap. 86 seems to be to give the children the benefit of a mothers care and attention. Condition 4 of Sec. 3 must be read with the rest of the act in the light of its general purpose. When this is done the word "neglect" means absence of maternal care or attention. Under the state of facts given it does not appear that the giving of the allowance would give the children any more care or attention from the mother than they are receiving now, inasmuch as the mother, apparently, intends to continue her work as janitress. This, it seems to me, would defeat the very purpose of the act. It is true, as you say, that the court must inquire into the necessity of the allowance to save the children from neglect, but it is difficult to see how, under the facts as stated by you, this would be accomplished. I am of the opinion, therefore, that the allowance should not be made in this case unless its award would allow the mother to give up her work as janitress and give her time to the care and attention of her children.

Yours very truly,
J. B. POINDEXTER,
Attorney General.