

Opinion No. 473.**Counties—Claims—Mother's Pensions
—Residence.**

HELD: A county is not liable for a mother's pension unless the applicant shall have been a resident of the county for at least one year prior to the making of application for pension.

February 26, 1934.

You have asked whether Beaverhead County is responsible for the granting of a mother's pension upon the following facts:

"V., his wife and two boys, born January, 1921, and May, 1923, came to Montana in 1929, remaining until December, 1930, when they left for New York, arriving there in January of 1931, and where they resided until March, 1933, when they left in their truck for Butte, Montana, arriving there in August of the same year. Not being able to get work, V. went into the 'junk' business and in October went to an abandoned CCC camp in Beaverhead County where he took some junk. He was arrested, pled guilty and was sentenced October 24, 1933, for 'stealing junk,' and was taken to the state penitentiary to serve a term of one year. His wife and sons were then sent from Butte to her father in Arizona as Silver Bow County

would not claim responsibility for their care. On February 1, 1934, they started back from Arizona, where they had been unable to get any relief, and hitch-hiked back to Montana and are now in Helena.

Section 10482 as amended by Chapter 12, Laws of 1927, and Chapter 133, Laws of 1933 provides:

"The allowance herein referred to shall be made subject to the following conditions * * * (5) No person shall receive the benefit of this Act who * * * shall not have been a resident of the county in which said application is made for at least one year prior to the making of such application for allowance."

It is my opinion that the provision as to residence for one year applies to the facts you have submitted and that inasmuch as the mother and her children have not been residents of Beaverhead County for one year, that county would not be liable for a mother's pension for said children should application for such allowance be made.