

**Opinion No. 493.****Relief—Settlement—Interstate Settlement—Legal Settlement—Residence.**

HELD: The phrase "interstate settlement" has no meaning in connection with Montana relief statutes, and the phrase "legal settlement", as used in some States, is practically synonymous with "residence" in Montana pauper statutes.

To be entitled to relief one must, under Section 4531, R. C. M., 1921, as amended by Chapter 19, Laws of the Extraordinary Session, 1933, have resided in the county to which he applies for a period of one year, except in cases of extreme necessity.

March 13, 1934.

We acknowledge receipt of yours of the 10th requesting an opinion from this office in the following matter:

"Does the State of Montana have any definite interstate settlement law?"

"Would settlement be acquired by residing in a county of Montana for a period of one year, self supporting coming from another state?"

"Would you say the following which appears in our present settlement pamphlet, is correct: 'A person must live six months in a county in this state in order to acquire a legal settlement and be entitled to public relief, except in case of severe illness?'"

The phrase "interstate settlement" has no meaning in connection with our statutes relating to public relief, and we doubt its having any application in any other state.

"Legal settlement" in some states, particularly some of the older states, is practically synonymous with the word "residence" as used in our statutes relating to paupers.

Chapter 19 of the Extraordinary Session of 1933-34 amends Sections 4531, 4532, and 4533, R. C. M. 1921, as formerly amended, and now requires residence of one year immediately preceding application for public relief before relief may be granted, except in cases of extreme necessity. If it is found that the applicant for relief has not been a resident of the county for one year, next preceding, the county board may provide transportation funds to move the applicant to the county where he resides.

One can have but one residence, and residence in one place cannot be lost until another is gained. (Section 33, R. C. M. 1921.)

In answer to question two, the answer is, yes, provided the year's residence in the county immediately precedes the application for relief.

In answer to question three: "One year" must be substituted in place of "six months", and, as "legal settlement" is not used in our statutory phraseology, the proper word to use is "residence".