School Districts — Designation of — Appeal to County Superintendent.

An appeal from the decision of the Board of School Trustees to the County Superintendent should be taken in the manner provided in paragraph 1, Section 404 of the School Law.

April 7, 1917.

Mr. J. E. Kelly,
County Attorney,
Boulder, Montana.

Dear Sir:

I have your letter of April 7th in connection with the proposition of whether or not the County Superintendent must give notice of a time appointed by him for considering a petition for the organization of a new school district, in accordance with the provisions of Section 404 of the School Law, where a district is being organized in accordance with the provisions of Section 405 by a petition to the board of trustees, and the petition having been denied, an appeal is taken to the county superintendent.

The last sentence of paragraph one of Section 405 is as follows:

> "Any three resident tax payers of either the old or new district may within thirty days appeal from the decision of the said board of school trustees to the county superintendent of schools and may, within thirty days appeal from any decision or order made by the county superintendent of schools to the county commissioners whose decision shall be final."

As I advised you in my letter of March 29th, in connection with the interpretation of these two Sections of the school law, these two sections should be read together and made to harmonize as far as possible. It would, therefore, appear to me that no proceedure being outlined in paragraph 1 of Section 405 relative to an appeal to the county superintendent and from the county superintendent to the board of county commissioners, such appeal should be taken in the manner provided in paragraph 1 of Section 404, and the county superintendent should give notice of such appeal and hear the petition in the same manner as though it was an original petition to him for the organization of a new school district.

Respectfully,
S. C. FORD,
Attorney General.