

**Opinion No. 170****County Commissioners—Mileage.**

HELD: Mileage of county commissioners is to be determined under Chapter 16, Laws of 1933, and figured at seven cents per mile.

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April 18, 1933.

You request an opinion as to the mileage to be paid to county commissioners for the distance traveled in attending meetings of county commissioners.

As you state, the question involves the construction of Section 4464, R. C. M. 1921, and Chapter 16, Laws of 1933. The first paragraph of such Chapter 16, which is an amendment of Section 4884 R. C. M. 1921, reads as follows: "Members of the Legislative Assembly, state officers, county officers, township officers, jurors, witnesses **and all other persons** except sheriffs who may be entitled to mileage shall be entitled to collect mileage at the rate of not to exceed 7c per mile for the distance actually traveled, and no more."

This statute does not refer directly to Section 4464 of the Revised Codes. Section 4464 provides that a commissioner shall receive 10c per mile for the distance necessarily traveled in going to and returning from the county seat and his place of residence. The language of Chapter 16 is so definite it seems that there can be no other conclusion reached than that Section 4464 is modified by the subsequent act. This law provides that it fixes the mileage of certain officers and all other persons. Therefore, this language controls and the mileage of county commissioners is to be determined under Chapter 16, Laws of 1933, and figured at 7c per mile.