

**County Division—Apportionment Indebtedness—Sanders County  
and Missoula County.**

Sec. 4, Chap. 9, Laws 1905, provides that the indebtedness of Missoula County as the same existed on January 1st, 1906, shall be apportioned between that county and the county of Sanders after making certain deductions therein specified.

Sec. 16 of said Chapter provides that the Act establishing Sanders County shall take effect from and after March 1st, 1906.

That part of Sec. 4 which makes the indebtedness of Missoula County on January 1st, instead of March 1st, the basis of settlement between the counties is in conflict with Sec. 3, Art. 16 of the State Constitution, which provides that a new county must pay its ratable proportion of existing liabilities at the date of its establishment. The date of establishment of Sanders County being March 1st, settlement must be made upon the basis of existing indebtedness of Missoula County on March 1st, 1906.

(The following request made over telephone.)

Missoula, Montana, March 6, 1906.

Albert J. Galen, Attorney General, Helena, Montana.

Dear Sir:—Section 4, Act creating Sanders County provides that County comes into existence on March 1st, but also provides that in apportioning the indebtedness, the indebtedness of Missoula County on January 1st shall be taken as a basis, after making certain reductions.

This leaves a hiatus of two months, the effect of which is that Missoula County will have to pay all of its liabilities for those two months and Sanders County will assume no part thereof.

The joint board appointed by the Legislature ask your opinion as to whether we shall follow the exact letter of the law or whether we shall follow its apparent spirit and apportion the indebtedness of Missoula County as the same existed on March 1st.

It is impossible to arrive at the exact indebtedness of Missoula County on January 1st, as that date is in the middle of a quarter.

We are informed that the legislature intended to create Sanders County as of date January 1st, but afterwards changed the date of creation to March 1st but neglected to change all the dates.

Please send your opinion by telegram as soon as possible.

HENRY C. SMITH, Chairman.

(Answered by following telegram.)

Judge Henry C. Smith, Chairman, Missoula, Montana.

Adjust indebtedness and make settlement on basis of March first instead of January first. Section three, article sixteen, Constitution governs.

ALBERT J. GALEN,  
Attorney General.