

**County Commissioners, Authority Of. Public Parks, Bonds
For. Bonds for Public Park, Not Within Authority of County
Commissioners.**

The county authorities have no authority to authorize the bonding of a county or any portion thereof for the purchase and improvement of lands for a public park.

Helena, Montana, Dec. 5, 1907.

Hon. S. V. Stewart,
County Attorney,
Virginia City, Montana.

Dear Sir:—

I am in receipt of your letter of November 20th. in which you submit for the consideration of this office the question as to whether "the town of Sheridan in Madison County has authority to issue bonds and to use the money derived from the sale thereof for the purchase of lands for a public park?"

We agree with your position that there is no law by which the county authorities can legally authorize any such action, for the reason that if this town is not incorporated then it is simply a part of the county under the jurisdiction of the county commissioners, and there is no statute which authorizes the county commissioners to bond the county or any portion thereof for any such purpose, and if the town is incorporated it has an organization of its own over which the county officials have no jurisdiction. Hence, in either event, the county authorities could not authorize the issuance of bonds.

Very truly yours,

ALBERT J. GALEN,
Attorney General.