

Concealed Weapons, in Cities. Chapter 58, Laws 1911, Construed. Cities and Towns, Concealed Weapons In.

The provisions of Chap. 58, Laws of 1911, apply only within the limits of incorporated cities or towns.

June 8, 1911.

C. L. Crumm, Esq.,
County Attorney,
Forsyth, Montana.

Dear Sir:

I acknowledge receipt of your letter 3rd inst., in which you request my opinion as to whether or not the provisions of Chapter 58, Session Laws of 1911, apply to incorporated cities or towns.

That portion of Section 8582 of the Revised Codes as amended by Chapter 58, Laws of 1911, which is necessary to consider in the determination of your inquiry is as follows:

"Every person who, within the limits of any city or town, carries or bears concealed upon his person, etc."

Section 3202, Revised Codes of 1907, defines a city or town as follows:

"A city or town is a body politic and corporate with the general powers of the corporations and the powers specified and necessarily implied in this title, or any special laws heretofore enacted."

Section 3206 classifies the cities and towns of the state, and also implies that such city or town must be incorporated. By the provision of Section 3208 of the Revised Codes, provision is made that:

"Whenever the inhabitants of any part of a county desire to be organized into a city or town, they may apply by petition in writing, etc."

The provisions of the above cited sections seem to be clear that there is no provision in our law for other than an incorporated city or town. In other words, that a collection of dwellings or habitation is not considered as a city or town except that the same is incorporated in accordance with the provisions of the law and further by the use of the words, "the limits" in said Section 8582 as amended by Chapter 58, Laws of 1911, are to my mind, indicative of the intention of the legislature to apply said act solely to incorporated cities or towns, those being the only cities or towns having defined limits.

In view of the foregoing, it is therefore my opinion, that the provisions of Chapter 58, Laws of 1911, apply solely to incorporated cities or towns, and are not applicable to unincorporated villages or camps.

Yours very truly,

ALBERT J. GALEN,
Attorney General.