

Board of County Commissioners, Authority of to Purchase Bridge by Resolution. Purchase of Bridge by County Commissioners, Manner of.

The board of county commissioners is not authorized to proceed by resolution regarding the purchase of a certain bridge. Such purchase can be made only after appraisement by seven appraisers under the terms of Sec. 1452, Revised Codes.

April 24th, 1913.

Hon. Gerald Young,
County Attorney,
Thompson Falls, Montana.

Dear Sir:

I beg to acknowledge receipt of yours of the 19th inst., asking my opinion as to the authority of the board of county commissioners of Sanders County to purchase the Perma Bridge, under and by virtue of a resolution passed by them March 5th, 1913. The question of the effect of the repeal of Sec. 1452 of the Revised Codes of Montana, by Chap. 72 of the Laws of 1913, it seems to me, cannot have much effect in the decision of the question. The offer of Mr. Donlan concerning the sale of the bridge to the county contemplated that the price was to be determined by the difference between \$9,900.00 and the cost of raising the bridge, whatever that might be, not to exceed \$2,200.00. In the first place the board of county commissioners were authorized in only one way to purchase a bridge, and that by the terms of Sec. 1452 of the Revised Codes. This section contemplates an appraisement by seven appraisers, and the payment of a fair cash valuation to be fixed by these commissioners. The offer made by Mr. Donlan does not seem to contemplate any appraisement by the commissioners, provided for in the code, and it might well be that the price found by such commissioners would not be satisfactory to Mr. Donlan. In other words, the attempted acceptance by the resolution of the county commissioners made March 5th, 1913, did

not come within the terms of the offer made by Mr. Donlan, and, therefore, no contract arose.

For these reasons, it is my opinion that the county commissioners are not authorized to proceed under the resolution made by them in regard to the purchase of the Perma Bridge.

Very truly yours,

D. M. KELLY,
Attorney General.