

**Railroad Commission, Authority of. Incorporated Cities,
Etc., Railroad Crossings in.**

The railroad commission has no authority to make an order requiring railroads to maintain more than one crossing in incorporated cities, villages, or towns of more than three hundred inhabitants.

October 11th, 1913.

Honorable Railroad and Public Service Commission,
Helena, Montana.

Gentlemen:

I beg to acknowledge receipt of your favor of the 11th instant, asking for my interpretation of that part of Sec. 1 of Chap. 65 of the Session Laws of the Thirteenth Legislative Assembly, reading as follows:

"* * * Whether same are incorporated or not incorporated towns."

The title of the act shows it to be:

"An act to require railroads to maintain more than one crossing where highways or streets intersect such railroads in unincorporated cities, villages and towns of more than three hundred inhabitants."

It is a general principle of interpretation that the title of an act must state in a general way its purposes, and be broad enough to cover the body of the act at least. The use of the word "unincorporated" in the title of the act would indicate that the purposes of the act were intended to be limited to that class of towns. Any other interpretation would make the word "unincorporated," as used in the title, entirely superfluous and useless, for had the legislature intended that the act should apply as well to incorporated cities as to unincorporated towns, it need not have mentioned or used any term as to incorporation whatever, in as much as had they used the words "cities, villages and towns of more than three hundred inhabitants," they would have included both classes, incorporated and unincorporated.

You are, therefore, advised that, in my opinion, your commission has no authority to make an order requiring railroads to maintain more than one crossing in incorporated cities, villages or towns of more than three hundred inhabitants.

Yours very truly,

D. M. KELLY,
Attorney General.