

Board of County Commissioners, Purchase of Land by for County Fair Purposes. Land Purchased for County Fair Purposes, Must Be Appraised. County Fair, Purchase of Land for Purposes of.

The provisions of Sub-division 8, Sec. 2894, Revised Codes relating to the appraisement of lands purchased by the county for any purposes, should be obeyed.

February 16th, 1913.

Hon. Dan J. Heyfron,
County Attorney,
Missoula, Montana.

Dear Sir:

I am in receipt of your letter of the 15th inst., submitting the question:

"Where the board of county commissioners desire to acquire land for county fair purposes, is it necessary to have the same appraised, as provided by Subdiv. 8, Sec. 2894, R. C., prior to consummating the purchase?"

The provisions of Chap. 30, Session Laws of 1911, confer upon the county board the specific authority to purchase, etc., land for "county fair grounds." This chapter, while more specific than the first clause of Subdiv. 8 of Sec. 2894, does not either directly or impliedly amend the last clause of said subdivision, which requires the appraisement of real property prior to purchase. This clause of the statute is emphatically that "no purchase of real property must be made" unless the same has been appraised. The question relating to the purchase of land by Missoula county for fair purposes was once submitted to this department, and in an opinion given to Hon. Edward C. Mulroney, then county attorney, attention was called to said Subdiv. 8, Sec. 2894,

Opinions of Attorney General, 1910-12, 295 et seq.,

And in *Morris v. Granite County*, 44 Mont., at page 91, cited by you, the supreme court has at least impliedly held that the provisions of Subdiv. 8, Sec. 2894, must be followed.

It therefore follows that the provisions of Subdiv. 8, Sec. 2894, R. C., relating to the appraisement of land purchased by the county for any purpose, should be obeyed.