

Classification, of a City. Census, Used in Classifying Cities. Banks, Classification of Cities for.

A city may be classified by either the federal or state census, or by a census taken under authority of an order of the city council.

April 12, 1915.

Hon. H. S. Magraw,
Supt. of Banks,
Helena, Montana.

Dear Sir:

I am in receipt of your letter of the 12th instant, submitting the question:

as to whether the classification of a city under the provisions of Section 3206, Revised Codes must be determined by the federal or state census, or whether it may be determined by a census taken by authority of the city?

Subdivision 77 of Section 3259, R. C., confers authority upon the city or town council

"to take a census of the inhabitants of a city or town at any time."

Section 3447 provides:

"Whenever it manifestly appears to a city or town council from the last federal, state, county, city or town census that such city or town has the requisite qualification to entitle it to be classified as provided in Section 3206 * * * such city or town must be advanced as provided in the next section."

Section 3448 prescribes the method of procedure to be observed. If, therefore, the census of a city has been taken under authority of either the state or federal law, or on order of the city council under authority of said Sub. 77, and the proceedings have been taken as required by Section 3448, you are authorized to recognize such classification as being within the meaning of Section 50 of the Act, regulating the business of banking, as enacted by the 14th Legislative Assembly. We return herewith the communication from the city council of Lewistown.

Yours very truly,
D. M. KELLY,
Attorney General.