

**Railroad and Public Service Commission, Notice of Hearings by. Notice of Hearings, Publication of. Publication, of Notice of Hearings. State Board of Examiners, Duty of. Duty, of State Board of Examiners.**

It is expressly provided by Sec. 4376, Revised Codes, that the Railroad Commission shall publish notice of hearings to be held by it.

The State Board of Examiners is not charged with any duty in connection with the publication of notice of hearings to be held by the Railroad Commission.

April 18th, 1916.

Railroad and Public Service Commission,  
Helena, Montana.

Gentlemen:

I have yours of April 10th requesting the construction of this office upon Sec. 4369 and Sec. 4376, Revised Codes, in so far as the provisions of these sections relate to the furnishing the Commission with furniture, stationery and printing, and the publication of notices of hearings by the Board.

It is made the duty of the State, by Sec. 4369 above, to furnish the Railroad Commission with all necessary furniture, stationery and printing upon requisition signed by the Chairman of said Board. This, as it appears from the terms of the section, relates to and includes the office supplies, etc., necessary for the conduct of the business of the Board. It does not, however, include the publication of Notices of Hearings as required by Sec. 4376. This latter section expressly imposes upon the Commission the duty of publishing notices of the hearings specified in said section in some newspaper published in the City of Helena; and in all cases affecting rates and classifications in two daily newspapers in the state, one of which shall be published in the City of Helena. It is clear from a reading of Section 4376 that neither the State Board of Examiners nor any other board than the Railroad Commission has anything whatever to do with the publication of these notices, or is charged with any duty in connection therewith. The word "printing", as used in Sec. 4369, can not be construed to include the publication of notices of hearings therein provided for by the express provisions of Sec. 4376, as the former section is in general terms, and the latter is a special enactment relating particularly to the subject of publication of notices. To do so would violate the well known rule of construction that where there is a conflict between the general terms of a statute and specific provisions therein relating to a particular subject, the specific provisions must prevail.

You are therefore advised that it is unnecessary for the Board of Railway Commissioners to make requisitions upon the State Board of Examiners for the publication of notices provided for in said Sec. 4376.

In this connection I wish to call to your attention the fact that your Board was verbally advised of this construction of the law, through your Secretary, at a meeting of the Board of Examiners held March 1st, 1916.

Yours very truly,

J. B. POINDEXTER,

Attorney General.