

Statutes, Amended After Repeal. Amendment, of Statute After Repeal. State Institutions, Change of Name of. State Reform School, Change of Name Not to Affect Income.

A law which has been repealed cannot be amended or revived except by specific enactment. No purpose could be served by the approval of a Bill attempting to amend a law which had been previously repealed. Where the Enabling Act grants lands for the establishment of a State Reform School, the right of such institution to share in the income from the ground is not jeopardized by a mere change in name.

March 9, 1915.

Hon. S. V. Stewart, Governor,
Helena, Montana.

Dear Sir:

I am in receipt of your communication under date of March 8th, submitting for my consideration House Bill No. 218 and House Bill No. 356. House Bill No. 218 purports to amend Chapter 112 of the Twelfth Legislative Assembly, relating to the transcribing of records of an old to a new county. The question is whether there is any virtue in this Bill and whether anything will be gained by approving it, in view of the fact that Chapter 112 of the Session Laws of the Legislative Assembly of 1911, and Chapter 133 of the Session Laws of the Thirteenth Legislative Assembly were repealed in toto by House Bill No. 11, approved March 3rd, 1915, and in view of the further fact that Senate Bill No. 45 of the Fourteenth Legislative Assembly has a provision upon this subject. The general rule is that a law which has been repealed cannot be amended or revived except by specific enactment, and in as much as the legislature has by Senate Bill 45 provided a means for the transcribing of records from old to new counties, I am of the opinion that House Bill No. 218 is practically a nullity, and that no good purpose could be served by approving the same.

House Bill No. 356 also submitted by you, is entitled:

"An Act changing the name of the Montana State Reform School to the Montana State Industrial School."

Your question is whether if this Bill is approved and becomes a law, it will affect the right of the institution to take and enjoy the income from its land grant and all other financial privileges? An examination of the Enabling Act conferring a land grant upon the State from the Federal Government, simply states that a grant is made "for the establishing of a State Reform School, Fifty Thousand acres." The evident purpose of this was to provide for a reformatory institution, and this purpose would be fulfilled so long as the work of the institution usual and common to such school is maintained, whether it was called the Montana State Reform School or the Montana State Industrial School. I am not aware of any place in the Enabling Act which designates the

names to be given to the various institutions found under the grant, and I think that the interests of the institution cannot be jeopardized by this proposed change in the name.

Yours very truly,

D. M. KELLY,

Attorney General.