

Road Districts—Board of Directors of Special Road Districts—Election of—Statutes Construed, Chap. 145 of the Session Laws of 1917.

Held that the provisions of Sec. 3, Chapter 145 of the Session Laws of 1917 must be followed in the election of directors of Road Districts created under the provisions of said Chapter 145.

March 30th, 1918.

Mr. Falkner Haynes,
County Attorney,
Forsyth, Montana.

Dear Sir:

I am in receipt of your letter of recent date submitting the following:

"This office desires to call your attention to Chap. 145 of the Session Laws of the Fifteenth Legislative Assembly, and your opinion is asked as to the proper manner, time and place for the election of a Board of Directors of a Special Road District."

Section 3 of said Act provides that there shall be elected in each Road District at the next general election, a board of directors, consisting of three members, to hold office a term of two years or until their successors are elected and qualified.

Section 13, provides that the regular election for the electing of members of the Board of Directors shall be held in such district at the same time and place each year as provided for the election of school trustees in school districts in the state.

It is a well settled rule of law that in considering conflicting provisions of a statute, the object to be kept in view is to ascertain the

legislative intent, and all particular rules for the construction of such provisions must be regarded as subservient to this end. The last expression of the legislative will is the law, in case of conflicting provisions in the same statute, or in different statutes, the last enacted in point of time prevails; and on the same principal, if both were enacted at the same time, the last in order of arrangement controls.

26 Cyc. 1130.

Peterson vs. People, 129 Ill. App. 55.

Howard vs. Banger et al, 29 Atl. 1101.

Packer vs. Sunbury, 19 Pa. St. 211.

U. S. vs. Jackson, 143 Fed. (C. C. A.) 783.

This general principal cannot be adopted in construing the Act in question.

Article XI, Sec. 10 of the Constitution of the States provides:

"The legislative assembly shall provide that all elections for school district officers shall be separate from those elections at which state or county officers are voted for."

While it may be true that the directors of these Roads Districts, are not, strictly speaking, "County Officers," yet when we consider the purpose of above provision of the constitution and the evils sought to be prevented, it seems apparent that the legislature may not provide for the election of the boards at the school elections.

I am, therefore, of the opinion that the provisions of Section 3, must be followed in the election of directors of Road Districts created under the provisions of said Chapter 145.

Respectfully,

S. C. FORD,

Attorney General.