

**Counties — County Commissioners — Funds — Right of
Way—Roads—Highways—Taxes.**

Where funds are voted for the purpose of constructing roads and highways such funds may be used for the purpose of securing rights of way for such roads and highways.

A. S. Huffman, Esq.,
Chairman Board of County Commissioners,
Philipsburg, Montana.

My dear Mr. Huffman:

You have requested my opinion as to whether money voted by your county for the purpose of building highways can be used to obtain rights of way for these highways.

I presume that the money to which you refer was procured under and by virtue of proceedings had under Section 1618, Revised Codes of 1921, relating to the issuance of highway bonds, although you do not so state in your letter. Under this statute the funds so raised are "in addition to that furnished by the taxes and licenses authorized by this act." The taxes and licenses authorized by the act are set forth in Section 1617, Revised Codes of 1921, and these taxes and licenses are directed by the said section to be placed in the general road fund of the county. The funds raised by the issuance of bonds under Section 1618 are, therefore, an augmentation of the general road fund.

It is, therefore, my opinion that rights of way for the highways to be constructed by the use of said funds may be paid for with said funds.

Very truly yours,

WELLINGTON D. RANKIN,
Attorney General.