

Boundaries—Counties—County Boundaries—Surveys.

Boundary line between counties does not change with new surveys but remains at the place where it was fixed by statute.

W. H. Cheatham, Esq.,
County Attorney,
Miles City, Montana.

My dear Mr. Cheatham:

You have submitted to this office the following question, and have asked my opinion thereon:

“The United States Surveyor General has filed new plats of surveys in the local land office at Miles City, Mont., and among the plats open for settlement is a new township known as 1 South 54½ East, which lies between Powder River and Carter counties and south of Custer county; according to the 1921 Revised Statutes, this township is not included in the boundary of any county. The question is, does this parcel of land belong to Custer county under the old statutes, and does the land or property therein situated become assessable and is it governed by Custer county?”

Upon checking up the boundaries of the three counties, as set forth in the Revised Codes of Montana, 1921, it appears that at the point where the sketch which you enclosed shows the land in question to be situated, there is a common boundary line between Carter and Powder River counties. Thus, the west boundary line of Carter county at the point in question as set forth in Section 4310, R. C. M. 1921, is the line between Ranges 54 and 55, and the east boundary line of Powder River county at this point as set forth in Section 4340 is the range line between Ranges 54 and 55, being the same line. This line intersects the Montana base line on the north, which base line is the south boundary line of Custer county. It would therefore appear that these three counties join and there is no area between their boundary lines.

The new township described as Township 1 South, Range 54½ E., must be within territory embraced within either Carter or Powder River counties, or both, as there is but one boundary between these two counties, and that boundary does not change with new surveys but remains at the place where it was fixed by statute.

It is, therefore, my opinion that the line between Ranges 54 and 55 as it existed prior to the new survey still remains the boundary line between Carter and Powder River counties.

Very truly yours,

WELLINGTON D. RANKIN,
Attorney General.