

Cities and Towns—Census—Licenses—Moving Pictures.

Section 4960, Revised Codes of Montana, 1921, provides that the United States census shall be the basis upon which the population of municipal corporations shall be determined, unless the state or municipal corporation make a direct enumeration, for the purpose of determining the license upon moving pictures.

L. Q. Skelton, Esq.,
State Examiner,
Helena, Montana.

My dear Mr. Skelton:

Receipt is acknowledged of your letter requesting the opinion of this office as to whether the official census of 1920 must be taken to determine the population of a city or town for the purpose of imposing a license on moving pictures shown under Section 2439, R. C. M. 1921.

Section 4960, R. C. M. 1921, provides that the United States census shall be the basis upon which the population of municipal corporations shall be determined unless a direct enumeration be made by the state or by the municipal corporation, in which case the latter shall control.

Some official determination of the population of a city or town must be taken as the basis for imposing the license provided for by Section 2943, supra.

It is, therefore, my opinion that the question presented in your letter is governed by the provisions of Section 4960, R. C. M. 1921, and that the Federal census is controlling unless an enumeration of population has since been made by the authorities of the city or town, in which case the latter governs.

Very truly yours,

L. A. FOOT,
Attorney General.