

Judgments—County Commissioners—Compromise — Settlements.

County commissioners are without authority to compromise judgments due to the county.

Seth G. Manning, Esq.,
County Attorney,
Wibaux, Montana.

December 14th, 1925.

My dear Mr. Manning:

You have requested my opinion whether the board of county commissioners has authority to make compromise settlements with judgment debtors in cases where the judgment runs in favor of the county.

A consideration of this question brings up for interpretation the provisions of section 39, article V, of our constitution.

This section provides:

“No obligation or liability of any person, association or corporation, held or owned by the state, or any municipal corporation therein, shall ever be exchanged, transferred, remitted, released or postponed, or in any way diminished by the legislative assembly; nor shall such liability or obligation be extinguished, except by the payment thereof into the proper treasury.”

A similar constitutional provision was before the court in the case of City of Louisville vs. Louisville Ry. Co., 63 S. W. 14, and the court held that under such a constitutional provision the board of county commissioners was without authority to compromise a claim.

In this connection, your attention is also called to the case of Commissioners of Jefferson County vs. Lineberger, 3 Mont. 231, 242.

It is, therefore, my opinion that the county commissioners are without authority to effect any compromise with judgment debtors owing money to the county.

Very truly yours,

L. A. FOOT,
Attorney General.