

Candidates—Counties—Reclassification—Fees.

Candidates for office must pay the fees required in a fifth class county because the classification of a county does not automatically change but requires an official designation.

Ira J. Stagg, Esq.,
County Attorney,

May 17, 1926.

Anaconda, Montana.

My dear Mr. Stagg:

You have requested my opinion whether candidates for office in the county of Deer Lodge must pay the fee prescribed in chapter 133, laws of 1923, as of a fifth or sixth class county.

You state that now the county is a fifth class county but that it will be changed to a sixth class county in September.

Under section 4742 R. C. M. 1921, the board of county commissioners must at its regular meeting in September make an order designating the class to which the county belongs.

It is a general rule that a county once having a classification retains it until it is legally and officially changed.

Lewis vs. Lackawanna County (Pa.) 50 Atl. 162;

McFadden vs. Borden (Cal.) 152 Pac. 977.

Hence, it follows that Deer Lodge county retains its present classification until officially changed by order of the board of county commissioners, and even then the government of the county shall not be changed until the first Monday in January next succeeding such order. (Section 4742, R. C. M. 1921.)

It is, therefore, my opinion that candidates for office in Deer Lodge county must pay the fee prescribed by chapter 133, laws of 1923, for a fifth class county.

Very truly yours,

L. A. FOOT,
Attorney General.

Statutes—Repeal—Corporations.

Section 5993 R. C. M. 1921, being a special statute, is not repealed by the general provisions of section 5918, as amended by chapter 28, laws of 1925.

C. T. Stewart, Esq.,
Secretary of State,

June 3, 1926.

Helena, Montana.

My dear Mr. Stewart:

You have requested my opinion on the following question:

“Is section 5953 R. C. M. 1921 repealed by the provisions of chapter 56, laws of 1921 and chapter 28, laws of 1925?”