

Claims—Counties—Affidavits.

A claim against a county may be sworn to before any of the officers mentioned in section 4725 R. C. M. 1921.

August 24, 1928.

Horace W. Judson, Esq.,
County Attorney,
Cut Bank, Montana.

My dear Mr. Judson:

You have requested my opinion as to whether county claims may be sworn to before the officers mentioned in section 4725 R. C. M. 1921.

It seems to be the clear intention of section 4605 R. C. M. 1921 to require claims against a county to be accompanied by an affidavit "showing that the account is just and wholly unpaid." An affidavit is "a written declaration under oath made without notice to the adverse party" (section 10632, R. C. M. 1921). A claim against a county may, therefore, be "sworn to"; that is to say, the declaration that it is just and wholly unpaid may be made before any officer authorized by law to administer an oath, and such officer may certify to the same.

It therefore follows, in my opinion, that county claims may be sworn to before any of the officers mentioned in section 4725, supra, who are authorized to administer and certify oaths.

Very truly yours,

L. A. FOOT,
Attorney General.