

Statutes—Repeal.

Since section 537 R. C. M. 1921 and chapter 62, laws of 1927, pertain partially to the same subject, chapter 62 being the later enactment, repeals that part of section 537 in conflict therewith.

August 29, 1928.

John W. Mountjoy, Esq.,
Secretary of State,
Helena, Montana.

My dear Mr. Mountjoy:

You have requested my opinion on the following question:

“Does chapter 62, laws of 1927, repeal section 537 R. C. M. 1921?”

Section 537 R. C. M. 1921 provides as follows:

“Whenever a proposed constitution, or constitutional amendment, or other question, is submitted to the people of the state for popular vote, the secretary of state must duly, and not less than thirty days before the election, certify the same to the clerk of each county in the state, and the clerk of each county must cause to be published in one newspaper in the county a copy of the proposed question to be submitted to the people of the

state, once a week for three successive weeks. One of such publications in each of said newspapers must be made upon the last day upon which such newspaper is issued before election."

This section was enacted in 1889 and amended in 1919. Chapter 62 of the laws of 1927 provides:

"Whenever a proposed constitutional amendment or amendments, are submitted to the people of the state for popular vote the secretary of state shall cause the said proposed amendment or amendments to be published in full once a week in one newspaper in each county of the state if such there be, for three (3) months previous to the next general election for members to the legislative assembly. The cost of publication of said amendment, or amendments, shall be a proper charge against the state at the rate, as provided for in the statutes for state printing."

It is apparent that both statutes pertain to the same subject, and while chapter 62 does not expressly repeal section 537, yet it does contain a general repealing clause.

In view of this fact and also applying the general rule that where two statutes covering the same subject are in conflict, the latter will prevail, it is my opinion that chapter 62, laws of 1927, repeals that part of section 537 R. C. M. 1921 that is in conflict therewith.

Very truly yours,

L. A. FOOT,

Attorney General.