

more than 7c per mile. Chapter 105, Laws of 1931, provides that members of the Abstracters Board of Examiners shall receive 10c for each mile necessarily traveled. In the construction of two similar conflicting statutes, this office held that the 1933 statute controlled and that county commissioners were entitled to receive but 7c per mile. (Opinion No. 170, this volume.)

The following statement by Mr. Chief Justice Callaway very clearly fixes the law in this state: "While repeals by implication are not favored, when two legislative enactments relating to the same subject matter are in conflict, and cannot be harmonized, the Act last enacted controls." *State v. Miller*, 69 Mont. 1. This definite statement of the law has at least twice been subsequently quoted with approval by the Supreme Court of this state.

In the case of *State v. Board*, 52 Mont. 91, it has been held that members of the Board of Examiners for Nurses are public officers. Whether or not the same conclusion would be reached as to this board,—the 1933 statute by its express terms applies not only to all state and county officers but also to all other persons entitled to mileage,—the act cannot be reconciled with the prior statute and the latter statute must control; therefore, the members of this board are entitled to mileage at the rate of 7c per mile.

Opinion No. 357

Abstracters Board of Examiners— Mileage

HELD: Members of the State Abstracters Board of Examiners are entitled to mileage at the rate of 7c per mile.

October 7, 1933.

You inquire what shall be the mileage for members who attend meetings of the Abstracters Board of Examiners.

Chapter 16 of the Laws of 1933 fixes the mileage of all state officers and all of the persons entitled to mileage at not