

You inquire how the matter of "equal value" of lands is to be determined.

It appears that no method of determining same is fixed under the law. The authority for determining this matter clearly vests in the county commissioners. Chapter 65, Laws of 1933, places the duty of appraising lands owned by the county on the county commissioners. Chapter 74, Laws of 1933, amending Section 4465, R. C. M., 1921, provides for the appraisal of lands to be purchased. Such lands shall be appraised by three disinterested citizens appointed by the District Judge.

I find no statute which requires any specific appraisal before the exchange of lands. In the position in which you are I can think of no better or fairer way to proceed than as you have done in presenting to the District Court a petition requesting the Court to appoint appraisers of land to be conveyed by the county and land to be received by the county. This apparently is the intent of the law. I believe the Court has authority so to do. If an appraisal is so ordered and made and the commissioners in reliance upon such appraisal, find the lands of equal value and authorize the exchange, certainly everything that could be done has been done in this matter.

Opinion No. 521

**County Commissioners—County Lands
—Exchange of County Lands
—Equal Value.**

HELD: In exchanging county lands for other lands of equal value, under authority of Chapter 65, Laws of 1933, it is apparently the intent of the law, and is the fair way to proceed, for the county commissioners to petition the District Court for appointment of appraisers of the lands to be conveyed by the county and of the land to be received by the county, in order to ascertain whether the latter is of "equal value" with the former.

May 1, 1934.

You request my opinion regarding the exchange of lands by counties, authorized by virtue of Chapter 65, Laws of 1933, at page 121 thereof, which statute provides that the board of county commissioners may "exchange said lands for other lands of equal value where the effect of such exchange would be to acquire land which could be leased or sold to better advantage."