

**County Auditor, Election Of. Auditor ,in What Counties.
Election of County Auditor, When.**

Where the board of county commissioners at its September meeting makes an order designating the county as being of the first, second and third class, an auditor should be elected at the next succeeding election.

Helena, Montana, September 4, 1908.

Hon. Harry L. Wilson,
County Attorney,
Billings, Montana.

Dear Sir:—

I am in receipt of your favor of the 2nd inst. submitting the proposition as to whether there should be a county auditor elected in Yellowstone county the coming election. It is stated in your letter that the board of county commissioners will at its regular meeting in the present month "make an order pursuant to the provisions of Section 2975, Revised Statutes of Montana, 1907," designating Yellowstone county as a county of the third class, and that you have advised the board that an auditor should be elected in said county at the coming election.

Conceding that the county has the valuation required by Section 2973 of the Revised Statutes requisite to make it a county of the third class, there can be no question as to the correctness of your conclusion relative to the election of an auditor.

Section 4560 of the 1895 Code (Section 3100, Revised Statutes) was repealed by Section 4312, 1895 Code (Section 2957, Revised Statutes.)

State vs. Dickinson, 26 Mont. 394; 68 Pac. 470.

The county should therefore provide for the election of an auditor at the coming election.

Respectfully yours,
ALBERT J. GALEN,
Attorney General