

**Forest Reserves, Distribution of Money Earned. New Counties, Rights of to Participate in Distribution of Forest Reserve Moneys.**

Under Chapter 118, Laws of 1909, Flathead County was awarded a fixed sum of money as its proportion of forest reserve revenues. Thereafter Lincoln County was created out of territory theretofore belonging to Flathead County. Held, it is to be assumed the property rights of the two counties were properly adjusted, and that therefore, the state auditor should not attempt any adjustment of such fund.

December 16, 1915.

Hon. William Keating,  
State Auditor,  
Helena, Montana.

Dear Sir:

I am in receipt of your letter, submitting the following questions:

"As Lincoln County commenced to do business July 1st, 1909, can they share in a division of the Forest Reserve money earned by the forests in their county from July 1st, 1908 to June 30th, 1909?"

By virtue of the provisions of Chapter 118, Laws of 1909, Flathead County was awarded the sum of \$15,485.36, being its proportion as found by the legislature to be due it from moneys derived under the Agricultural Appropriation Bill, passed by Congress, and approved June 30th, 1906. Lincoln County was created from territory formerly belonging to Flathead County, and its creation took place several months after the passage of Chapter 118, supra. It is to be assumed that upon

the creation of Lincoln County, all property rights of both counties were properly adjusted and settled between the two counties. I am therefore, of the opinion that under the powers conferred upon your office by Section 4 of Chapter 26, Laws of 1915, you should not attempt to take into consideration any moneys paid Flathead County pursuant to the provisions of Chapter 118, supra, prior to the creation of Lincoln County.

Yours very truly,  
J. B. POINDEXTER,  
Attorney General.