

as amended by Chapter 59, Session Laws of 1929, and sub-section 4 of Section 4465 as amended by Chapter 100, Laws of 1931). The county surveyor under direction of the commissioners is required to make all plats for roads and highways that come under county supervision, and may employ another only when the county surveyor is incompetent. (Sections 4836, 4837, 4845 and 4847 R. C. M. 1911.)

Considering sub-section 8 of Section 1622 as amended by Chapter 59, Session Laws of 1929, and the ruling of the Supreme Court in *Blair v. Kuhr*, 86 Mont. 377, one might assume that any such thing as that involved in your proposition might be done, but taking all the statutes relating to the subject into account, and the court decisions we have cited, we are of the opinion that your county auditor was correct in disapproving the claim of the city engineer for plats furnished to the county relating to an established county highway. If the county surveyor is "competent" he is the party authorized, and it is his duty to furnish such plats to the board of county commissioners.

Opinion No. 169

**Counties—Claims—County Auditor—
Highways—Plats—County Surveyor—
City Engineer.**

HELD: It is proper for the County Auditor to disallow the claim of a city engineer for plats furnished the county relating to an established county highway. It is the duty of the County Surveyor to furnish them.

April 18, 1933.

The engineering department of your city engineer at Billings, prepared certain plats for the "Rimrock Road" leading to the municipal airport, said road lying outside of the corporate limits of the city of Billings, and being a public highway within the county. For certain work done by the city engineer in preparing said plats an expense of \$27.00 was incurred for which the city engineer presented a claim to the commissioners of Yellowstone County, and which claim was disallowed by the county auditor. The county commissioners, in order to carry out some condemnation proceedings, called upon the city engineer to furnish plats and field notes previously made by him and on the strength of that the bill that the county auditor disallowed was presented to the county commissioners.

The duty to build, repair and supervise roads is imposed upon the board of county commissioners. (Section 1622