

Officer, Contest of Election Of—Salary, Payment Of.

When a public officer's election is duly contested, and such contest is regularly certified by the clerk of the court in which the contest is instituted to the officer whose duty it otherwise would be to draw warrant for the payment of his salary, no warrant can be drawn for the payment of any part of the salary, of such officer until such proceedings are finally determined, under the provisions of Sections 1040 and 1041 of the Political Code.

January 13, 1905.

Hon. W. A. Hedges, Speaker of the House of Representatives, Helena, Montana:

Dear Sir:—Pursuant to your request for an opinion by this office, as to whether or not representatives in the House of Representatives are entitled to warrant for, or the payment of, salary, whose seats have been duly and regularly contested, I give you the following as my opinion:

Under the provisions of Section 1041, of the Political Code, it is made the duty of the clerk of the court in which contest proceedings are instituted to certify the facts to the officer whose duty it otherwise would be to draw warrant for the payment of the salary of any such officer, and after such certificate is duly and regularly made in accordance with the provisions of Section 1040, of the Political Code, no warrant can thereafter be drawn or paid for any part of the officers' salary until such proceedings have been finally determined.

Yours respectfully,

ALBERT J. GALEN,

Attorney General.