

County Attorney, Authority to Employ Stenographer.

There is no authority of law whereby a county attorney may employ, upon his own initiative, a stenographer. The expense of a stenographer for doing necessary work is a proper charge against the county, but the hiring is a matter of discretion with the board of commissioners.

August 19th, 1913.

Hon. H. S. McGinley,
County Attorney,
Fort Benton, Montana.

Dear Sir:

I beg to acknowledge receipt of yours of the 14th instant, submitting to me the question as to whether the county is liable for the costs of a stenographer employed by the county attorney in the preparation of necessary papers, letters, etc., in connection with the duties of his office; and if he would be authorized to employ one at a fixed salary per month.

Practically the same question as you have submitted has heretofore been under consideration in this office, and the result appears in an opinion to W. H. Tripett of Anaconda, found in Volume 3 of the Reports and Official Opinions of the Attorney General for the years 1908 and 1910 at page 65. That opinion, however, does not go so far as to say that the county attorney may employ upon his own initiative a stenographer, and I know of no authority whereby he would be justified in doing so. I agree with you that the expense of a stenographer for doing the necessary work connected with his

office is a proper charge against the county, but I think it would be a matter within the discretion of the county commissioners to decide whether such a stenographer should be hired by the month or only as the occasion demanded.

Yours very truly,

D. M. KELLY,
Attorney General.