

Stenographers—Authority of County Attorney to Employ.

A County Attorney has no power to employ a stenographer without the approval and direction of the Board of County Commissioners. The expense of stenographic work necessarily incurred by a County Attorney is a proper charge against the county to be allowed by the County Commissioners.

W. L. Hyde, Esq.,
County Attorney Mineral County,
Superior, Montana.

My dear Mr. Hyde:

You have requested my opinion as to whether the expense necessarily incurred by a County Attorney for stenographic work is a proper charge against the county.

This same question has been before my predecessors in at least two instances, and the holdings appear in Volume 3, page 64 of Opinions by Attorney General Albert J. Galen, and Volume 5, page 275, Opinions by Attorney General D. M. Kelly.

There is no authority, under the law, for a County Attorney to employ a stenographer without authority from the Board of County Commissioners. While the expenses of a stenographer for doing the necessary work in the office of County Attorney is a proper charge against the county, the incurring thereof should be authorized by the Board of County Commissioners.

I think the opinions of former Attorneys General above referred to are correct interpretations of the law.

Very truly yours,

WELLINGTON D. RANKIN,
Attorney General.