

**Deputies, Number Allowed Sheriff. Sheriff, Number
Deputies Allowed To.**

The number of deputies allowed the sheriff is as stated in Chapters 75 and 94, laws of 1905. Section 4318 of the Political Code is not in effect.

Helena, Mont., Jan. 21, 1907.

Hon. A. P. Heywood,
County Attorney,
Helena, Mont.

Dear Sir:—

We are in receipt of your letter of January 8th, in which you

submit for our decision the proposition:

"Can the Board of County Commissioners authorize the Sheriff to appoint more deputy sheriffs than the maximum number allowed by law and provide for the compensation of such deputy sheriffs?"

The only provision of our statutes which would seem to authorize the appointment of more deputy sheriffs than the maximum number authorized by section 4597 of the Political Code, and the amendments thereto, is Section 4318 of the same code; but this latter section was amended by the laws of 1893, which, under the provisions of section 5181 of the Political Code is declared to be subsequent to the code provisions.

Jobb v. County of Meagher, 20 Mont. 424.

This law of 1893 was also amended by the Acts of 1895, (Sec. 4597 of the Political Code), and this section of the code was amended by Chapters 75 and 94 of the laws of 1905, so that the total number of deputies allowed to the sheriff is the number mentioned in the law of 1905.

Very truly yours,

ALBERT J. GALEN,

Attorney General.