

County Commissioners, Powers Of. Deputy Clerk of Court,
Salary of:

It is not within the power or authority of a board of county

commissioners to allow or pay to a deputy clerk of a court a greater salary than the maximum fixed by law.

Helena, Montana, Feb. 23, 1907.

Hon. J. W. Speer,
County Attorney,
Great Falls, Montana.

Dear Sir:—

I am in receipt of your letter of the 21st inst. in which you submit for consideration of this office the following question:

“Is it within the power and authority of a board of county commissioners to allow and pay to the Deputy Clerk of the District Court a salary of \$125.00 per month?”

Section 4596 of the Political Code fixes the maximum annual compensation allowed to any deputy or assistant. Said section with reference to the salary of the Deputy Clerk of the District Court reads:

“Deputy Clerk of the District Court not to exceed \$1200.00.” The statute having in express terms fixed the maximum annual compensation at \$1200.00, and again stated that this salary shall not exceed \$1200.00, it is not within the power of the board to increase the salary above the maximum amount named in the statute.

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

Penwell v. Board of Commissioners, 23 Mont. 351.

Very truly yours,

ALBERT J. GALEN,
Attorney General.