

**Deputies, Compensation of. Salary, of Deputies. County Commissioners, Power of Fixing Salaries.**

1. Salary of Under Sheriff, Deputy Sheriff, Deputy Clerk and Deputy Clerk of the Court in counties of the sixth, seventh and eighth classes is \$1,200.00 per annum.

2. The County Board has no authority to increase or diminish the salary fixed by law for Under Sheriff, but may fix the

salary of any deputy above named at any sum not exceeding \$1,200.00 per annum.

3. Where extra deputies are allowed by the Commissioners, the salary may be fixed at any sum not exceeding \$1,200.00 per annum.

Helena, Montana, June 9, 1909.

Hon. D. M. Kelley,  
County Attorney,  
Boulder, Montana.

Dear Sir:

I am in receipt of your telephonic request for copy of opinion heretofore rendered by this office, relative to the salaries paid to deputies of county officers. The opinion referred to was one addressed to Honorable O. D. Gray, county attorney of Teton county, on March 13, 1909. We find, however, that this opinion does not deal specifically with deputies of counties of the sixth, seventh and eighth classes.

Chapter 85, laws of 1909, in dealing with counties of this class fixes the salary of the undersheriff at \$1,200.00, and of each deputy sheriff, deputy clerk and deputy clerk of the court at \$1,200.00 per annum. The county commissioners have no authority either to increase or to decrease the salary fixed for the undersheriff, nor have they any authority to increase the salary of the deputies, but they have the power to decrease the salary fixed by law for the deputy sheriff, deputy clerk or deputy clerk of the court, and if extra deputies are allowed, under the provisions of section 3123, revised codes, the board may fix the amount of the salary which shall not exceed \$1,200 per annum.

Very truly yours,

ALBERT J. GALEN.

Attorney General.