

Deputy County Clerk. Deputy Assessor. Deputies, Number and Salary. Salary, of Deputy County Clerk. Salary, of Deputy Assessor.

Deputy clerks in counties of the fourth and fifth classes receive a salary of \$1,500 per annum. This provision only extends to the number of deputies allowed by law.

The board of county commissioners may appoint additional deputies and fix their salary at any sum not in excess of \$1,500.

Helena, Montana, April 7, 1910.

Board of County Commissioners,
Kalispell, Montana.

Gentlemen:

I am in receipt of a letter, signed by the county clerk of your county, and written on behalf of your board, making inquiry as to the amount of salary which should be allowed to deputy county clerks, appointed in excess of the number allowed by law; also, as to the compensation to be allowed deputy assessors in a fifth class county.

Chapter 85, laws of 1909, provides that in counties of the fourth and fifth classes deputy clerks shall receive a salary of \$1,500.00 per annum.

This chapter is limited, however, by the provisions of section 3119, revised codes, which fixes the number of deputies allowed the county clerk in counties of the fourth and fifth classes at two.

Section 3123, however, confers power and authority upon the board of county commissioners to allow the several county officers to appoint additional deputies, where the prompt dispatch of business of their offices require it, and also provides that the board of county commissioners may fix the salary of such deputies, appointed in excess of the maximum allowed by law, at a sum not in excess of the salary allowed by law.

Therefore, the board of county commissioners has authority in Flat-head county to allow the appointment of the two deputies now employed by the county clerk, and may fix the salary at \$1,500.00 per annum, or any lesser sum.

In reply to inquiry concerning the salary of deputy assessor, I enclose you copy of opinion addressed to the board of county commissioners, at Anaconda, Montana, dated May 4, 1909.

I did not receive you letter in time to have the reply thereto in your

hands before the April meeting of the board of county commissioners.
I trust, however, that it may be of value to you.

Very truly yours,

ALBERT J. GALEN,

Attorney General.