

District Judge, Power of to Provide Court Room, Etc. Court, Power of to Provide Court Room, Etc. Board of County Commissioners, Power of Over County Property.

1. Section 2894, Revised Codes, confers power upon board of county commissioners to exercise general authority over county property.

2. Section 6302, Revised Codes, confers power upon the judge of the district court to provide rooms, attendants, fuel, etc., sufficient for the transaction of the business of the court, provided the same has not been furnished by the county commissioners, and whether same has or has not been furnished is a question of fact.

Helena, Montana, April 13, 1909.

Hon. Board of County Commissioners; Virginia City, Montana.
Gentlemen:

I am in receipt of your letter of April 9, making inquiry as to the power and authority of the judge of the district court to provide, at the expense of the county, court room and jury rooms, and to furnish the same at the expense of the county.

Section 2894, Revised Codes, confers upon the Board of County Commissioners general authority and jurisdiction over county property. The power and authority of the court in such matters is prescribed in Section 6302, Revised Codes, wherein it is provided that the judge has authority to provide rooms, attendants, furniture, fuel, light and stationery sufficient for the transaction of the business of the court, provided that the county has not furnished suitable rooms, etc., for such purpose.

Section 6302, Revised Codes;

Los Angeles Co. v. Court, 93 Cal. 382, 28 Pac. 1062.

If suitable rooms, furniture, etc., are provided by the county, then there is neither necessity nor authority for the court to act in such matters, but if the same have not been provided, then, under the provisions of said section 6302, the court has the authority to direct the sheriff to provide the same, and the expense thereof is a proper charge against the county.

It becomes, therefore, wholly a question of fact, and we can do no more than to refer you to the law and to leave with you the determination of the question of fact involved.

Very truly yours,

ALBERT J. GALEN,

Attorney General.