

Board of Prison Commissioners. Claims Against State in Connection With Prison. State Prison, Claims Against State in Connection With Prisoners.

Claims incurred against the state in examining into question of the breach of a parole, and claims originating against the state because of the prosecution of a prisoner because of offences committed by them while in custody of the state are proper charges against the state.

July 13, 1912.

State Board of Prison Commissioners,
Helena, Montana.

Gentlemen:

I acknowledge receipt of your favor of the 19th inst., inclosing certain claims against the state and asking my opinion concerning the legality of each thereof, the liability of the state therefor, and the proper person to approve each. The claims are as follows:

S. P. Wilson for taking testimony in connection with disallowance of good time of Geo. Ricketts a paroled prisoner..	\$10.00
Margie Beaumont for transcribing testimony in said Ricketts matter	\$6.75
W. E. Keeley appointed by court to defend Joseph Perkins charged with an attempt to escape	\$50.00
T. F. Shea appointed by court to defend Joseph Perkins charged with the crime of grand larceny	\$50.00

I have examined each of said claims and believe that they are lawful and proper charges against the State of Montana. They are in proper form, regular and duly and properly approved.

The claims of S. P. Wilson and Margie Beaumont were incurred at the direction of the state board of prison commissioners in connection with the administration of the business and affairs of the state prison. Under the parole law (Sec. 9573, 9574 and 9575, Revised Codes) George Ricketts was granted a parole by the state board of prison commissioners, and complaint having been made to the effect that he had made violation of his parole this investigation was made by S. P. Wilson at the direction of the state board of prison commissioners to determine whether or not he had violated his parole; and the claim of Miss Beaumont is for transcribing the testimony. I am of opinion that both claims are reasonable and that they should be paid from the appropriation made for the maintenance of the state prison.

The claims of W. E. Keeley and T. F. Shea are properly certified by the County Clerk and by District Judge Geo. B. Winston, before whom the cases were tried and are proper and legal charges as attorneys fees for defending such cases (Sec. 9189 Revised Codes). And Sec. 8222 of the Revised Codes provides that whenever a prisoner in the state prison shall be tried for any crime committed therein, the county clerk, of the county where such trial is had, shall make out a statement of all costs incurred by the county for the trial of such case, properly certified by the District Judge of the county, which claim

when presented to the board of prison commissioners must be allowed and paid out of any money appropriated for the support of the state prison.

Yours very truly,

ALBERT J. GALEN,

Attorney General.