

Deputy Clerk of Court, Lady Cannot Act as. Lady, Cannot Act as Deputy Clerk of Court. Board of County Commissioners, Authority to Permit Employment of Lady as Clerk or Stenographer. Clerk or Stenographer, Employment of Lady as. Board of County Commissioners, Authority of to Fix Salary of Clerk or Stenographer.

A lady is not qualified to hold a deputyship to any officer in this state, for the reason that the deputy must have the same qualifications as the principal.

The county commissioners are authorized to allow the clerk to appoint a lady as clerk or stenographer, and to fix her salary in such sum as to the board seems just.

April 8th, 1913.

Hon. Ever Nielson,
Chairman Board of County Commissioners,
Havre, Montana.

Dear Sir:

I beg to acknowledge receipt of your letter of the 4th instant, wherein you inquire whether or not a lady may be appointed deputy clerk of the court at a salary in excess of \$100 per month, and as to whether she might be employed at \$100 per month and paid \$25 per month extra as stenographer or clerk. To begin with, this department has repeatedly held that a lady is not qualified to hold any

deputyship to any officer in this state for the reason that the deputy must have the same qualifications as the principal.

Opinions Attorney General, 1906-08, p. 50.

Opinions Attorney General, 1906-08, p. 57.

Opinions Attorney General, 1908-10, p. 70.

Opinions Attorney General, 1910-12, p. 4.

The correctness of this seems apparent, and those opinions are hereby affirmed.

It does not follow, however, that the county commissioners are not authorized to permit the employment of a lady in the capacity of clerk or stenographer in any of these offices when the work of the office requires it, and the board is likewise authorized to fix the salary of such clerk or stenographer in the event the employment is authorized.

It is my opinion, therefore, that a lady cannot act as deputy clerk of the court, but that the county commissioners are authorized to allow the clerk to appoint a lady as clerk or stenographer and to fix her salary in such amount as to said board seems just.

Very truly yours,

D. M. KELLY,

Attorney General.