

**County Surveyor, Duty to Furnish Office for. Board of
County Commissioners, Duty to Furnish Offices.**

The county surveyor not being one of the officers required to keep his office open for the transaction of business every day, and there being nothing in the law making it mandatory upon the county commissioners to furnish him an office, it is discretionary with the board of county commissioners whether they do or do not furnish such office.

June 5th, 1913.

Hon. J. D. Taylor,
County Attorney,
Hamilton, Montana.

Dear Sir:

I beg to acknowledge receipt of your letter of May 10th, 1913, wherein you asked for my opinion upon the question as to whether a board of county commissioners is under any duty to furnish an office for a county surveyor in this state.

Sec. 2967, Revised Codes of Montana, provides:

"All county officers must keep their offices at the county seat."

And Sec. 2968, Revised Codes of Montana, is as follows:

"The sheriff, the county clerk, the clerk of the district court, the treasurer, and the county attorney must keep their offices open for the transaction of business from 9 o'clock a. m. until 5 o'clock p. m. continuously, every day in the year, except holidays, and at any other time when business requires it."

It will be seen that the code here seems to recognize two classes of county officers, to-wit: those who must keep their offices open during certain specified hours of the day, and those who are merely required to keep offices at the county seat. The county seat, as used here, means the town or city in which the seat of government is situated. Since the county surveyor is one of those officers who is not required to keep an office open for the transaction of business every day, and is only required to keep an office at the county seat, and since there is nothing in the law of Montana making it mandatory upon the county commissioners to furnish him an office, I am of the opinion that your advice to the board of county commissioners was correct, and that the furnishing of an office to the county surveyor by the county commissioners is a matter within the discretion of the county commissioners.

Yours very truly,

D. M. KELLY,
Attorney General.