

**Inspector Weights and Measures, Salary of How Paid.  
District Weights and Measures, What Comprised of. Sealer  
of Weights and Measures, Authority to Appoint Inspector.**

The state sealer of weights and measures has authority to divide the state into districts and to appoint an inspector whose salary is prorated equally between the counties comprising the district.

June 26th, 1913.

Hon. J. E. Kelly,  
County Attorney,  
Boulder, Montana.

Dear Sir:

I acknowledge receipt of your communication under date of the 18th inst., submitting for my opinion thereon the following question, to-wit: Whether, under the provisions of Chap. 83 of the Laws of 1913 the salary and expenses of an inspector of weights and measures in a district comprised of two or more counties should be charged against each of the counties comprising the district equally, regardless of the size of the county or amount of taxable property therein, and the amount of work done by the inspector in the county, and the amount of expense incurred by him therein.

The statute authorizes the state sealer of weights and measures "to create weights and measures districts comprising and consisting of two or more counties contiguous to each other \* \* \*" and to "appoint a qualified person to act and serve as the inspector of weights and measures in each of such districts."

Laws of 1913, p. 352.

The act further provides that the "Salary and expenses shall be charged against the said district to be paid pro rata by each of the several counties comprising such district; \* \* \* provided, that the county within which the inspector of weights and measures for a particular district has his residence shall pay and advance the salary and expenses of the said inspector for the said district each month, and the county advancing such salary and expenses shall be reimbursed pro rata by the other county or counties comprising such district upon the presentation of the claim, accompanied by a sworn statement from the county clerk of the county so paying and advancing such salary and expenses."

Laws of 1913, p. 352.

"The word 'pro rata' means according to a measure which fixes proportions. It has no meaning unless referable to some fixed rule or standard."

Rombacker v. Berking, 39 Atl. 134.

6 Words and Phrases, 5616.

The number of counties which shall comprise any particular weights and measures district is left to the discretion of the state

sealer of weights and measures. There is no provision in the act requiring the inspector of weights and measures in a district comprised of two or more counties to keep any record as to the amount of work done in each of the counties of his district, or the amount of expense incurred in each of the said counties. Nowhere in the act is there suggested any basis of apportioning the expenses other than the number of counties comprising the district. I am, therefore, of the opinion that the word "pro rata," as used in this part of Chap. 83, Laws of 1913, is equivalent to "equally," and that the number of counties comprising the district is the only basis provided in the act for apportioning among the counties in the district the salary and expenses of the inspector.

Yours very truly,

D. M. KELLY,  
Attorney General.