

**Under Sheriff, Salary of. Board of County Commissioners,
Authority of. Salary, of Under Sheriff.**

The salary of an under sheriff is fixed at \$1,500 per annum. A board of county commissioners has no latitude or discretion to increase or diminish such salary.

July 26th, 1913.

Honorable Board of County Commissioners,
Fort Benton, Montana.

Gentlemen:

I am in receipt of your inquiry of the 24th instant, submitting the proposition:

"Has the board of county commissioners authority to pay a salary of more than fifteen hundred dollars per annum to the under sheriff of the county of the sixth class?"

Chap. 132 of the Session Laws of 1911, referred to by you, appears to be the last legislative expression on this subject. In that chapter the salary of an under sheriff is fixed by the legislature at \$1,500 per annum. No latitude or discretion appears to be given to the board or anyone to increase or diminish this amount, hence the board does not have the authority to increase the salary any more than it would have the authority to decrease the same. A similar question was once before this department in an opinion addressed to the honorable board of county commissioners of Helena, Montana, under date of May 7th, 1907, reported in Opinions of Attorney General for 1906-08, at page 108 et. seq., wherein a similar holding was made.

Very truly yours,

D. M. KELLY,
Attorney General.