

**Deputies, Number of. Additional Deputies, Authority of Clerk or County Board to Appoint.**

In counties of the seventh class the whole number of deputies allowed the county clerk is one.

The board of county commissioners is vested with authority to allow additional deputies when, in its judgment, additional deputies are needed for the faithful and prompt discharge of the duties of an office.

May 12, 1914.

Hon. C. L. Wood, County Com.,  
Alzada, Montana.

Dear Sir:

I am in receipt of your letter, submitting the question:

“as to how many deputies the county clerk of Fallon county is entitled to, and also whether the clerk or the county board has the authority to employ additional deputies?”

Under the provisions of Section 3119, Revised Codes, as amended by Chapter 119, Laws 1909:

“The whole number of deputies allowed the county clerk in counties of the seventh class is one.”

Under the provisions of Section 3123, Revised Codes, the Board of county commissioners is vested with authority to allow additional deputies when in the judgment of the board such greater number of deputies is needed for the faithful and prompt discharge of the duties of the office, but this power of determining the number of deputies required rests wholly with the board, not with the county officer. As stated by our Supreme Court, the authority of determining the number of deputies required to transact the business in any county office is vested in the county board, and the claims for salary for such additional officers must be audited and allowed by the board before they may be paid. Any county officer employing additional deputies without first obtaining the sanction of the board, does so at his own expense, unless the board sees fit later to allow compensation therefor.

Hogan v. Cascade County, 36 Mont. 183;

Jobb v. Meagher Co., 20 Mont. 424.

Yours very truly,

D. M. KELLY, -  
Attorney General.