

Sealer of Weights and Measures, Deputy, Salary of How Distributed. Salary and Expenses Deputy Sealer of Weights and Measures, How Paid. Deputy Sealer of Weights and Measures, Salary How Divided. County, Liability for Salary Deputy Sealer Weights and Measures.

The salary and expenses of a district deputy sealer of weights and measures is paid equally by the counties composing his district.

December 16, 1915.

Hon. W. L. Hyde,
County Attorney,
Superior, Montana.

Dear Sir:

I am in receipt of your letter of the 11th instant, submitting the question:

“Should the salary and expenses of a district deputy sealer of weights and measures be paid equally by the counties com-

posing the district, or should it be apportioned on the basis of the expenses incurred in each county thereof?"

The only law authorizing the appointment of such officers, and the creation of such districts, is Chapter 83, Laws of 1913. Subdivision B, Section 2 of that Chapter, fixes the salary of the deputy, provides for the necessary expenses, and then states:

"which said salary and expense shall be charged against the said district to be paid prorata by each of the several counties comprising such district."

It also provides in this subdivision that the home county of the deputy shall pay the expense and salary in full, and then the clerk of such county shall file claim against each of the other counties for a prorata portion thereof. Under the express terms of the law this expense and salary is prorated between the counties comprising the district. No authority is there given for taking anything but the number of counties as the basis for ascertaining the amount due from each county; and that such was the intent of the law is further evidenced from the fact that the county clerk, who has no means of knowing the actual expenses incurred in the different counties must file the claim against the other counties. This system may at times work an injustice, but this is evidently the meaning and intent of the law, that the expense and salary should be prorated between the counties equally.

Yours very truly,

J. B. POINDEXTER,

Attorney General.