

County, Power of to Expend Money. Limit, of Expenditure Without an Election. County Commissioners, Cannot Expend More Than Ten Thousand Dollars Without Election.

The County Commissioners have no authority to expend more than ten thousand dollars for any single purpose without first securing the approval of the electors of the county.

January 23, 1915.

Hon. M. F. Canning,
County Attorney,
Butte, Montana.

Dear Sir:

I am in receipt of your letter of the 18th instant, submitting the question:

“as to the power of the county commissioners to expend more than ten thousand dollars for any single purpose without the approval of the electors of the county.”

Section 5 of Article XIII of the State Constitution contains this clause:

“No county shall incur any indebtedness or liability for any single purpose to an amount exceeding Ten Thousand Dollars (\$10,000) without the approval of a majority of the electors thereof voting at an election to be provided by law.”

This provision is an express restriction upon the powers of the county board, and has been given a strict construction by the Supreme Court, and as construed by the court, it is immaterial whether the entire expenditure is made at one time or at several different times, for it is the purpose for which the expenditure is made, and not the time or times at which such expenditures are made. Hence, when a board has expended a part of the ten thousand dollars for any purpose, the amount so expended must be deducted from the ten thousand dollars in

order to ascertain the amount which the board may still expend for that purpose. This question is specifically dealt with by the Supreme Court in the following cases:

Hefferlin vs. Chambers, et al, 16 Mont. 349, 40 Pac. 787;
Jenkins vs. Newman et al, 39 Mont. 77, 101 Pac. 625;
Hoffman v. Board, etc., 18 Mont. 224, 44 Pac. 973;
Morris v. Granite Co., 44 Mont. 78, 119 Pac. 286;
Reid v. Lincoln Co., 46 Mont., 31, 125 Pac. 429.

Yours very truly,

D. M. KELLY,
Attorney General.