

**Weights and Measures—Expenses of Deputy Sealer of  
Weights and Measures—Counties Liability for Expenses of  
Deputy Sealer of Weights and Measures.**

The various counties are liable for the actual traveling expenses of the Deputy Sealers of Weights and Measures in the performance of their official duties.

Dec. 12th, 1917.

Hon. H. S. Magraw,  
State Bank Examiner,  
Helena, Montana.

Dear Sir:

I am in receipt of your letter of recent date submitting the following question:

Is it mandatory for the various counties to pay the actual traveling expenses of the Deputy Sealer of Weights and Measures, in the performance of their official duties?

By the provisions of Chap. 83, Laws of the 13th Legislative Assembly, the Secretary of State was made the ex-officio State Sealer of

Weights and Measures. Sec. 2 of said Act provided for the creation of weights and measures districts and for the appointment of inspectors for each district so created, the manner of payment of salaries and expenses. Sec. 2 of said Act was amended by Chapter 19, Laws of the 15th Legislative Assembly making the county auditors in counties of the first, second, third, fourth and fifth classes, and County Clerks in counties of the sixth, seventh and eighth classes, inspectors of weights and measures in their respective counties, but no provision for the payment of the expenses incurred by such officials in the performance of the duties thus imposed, and no appropriation was made to be used in carrying out the provisions of the Weights and Measures Law, so that unless the counties are required to pay the expenses incurred by its officers in enforcing the provisions of the law, the law itself must become inoperative. We cannot believe that it was the intent of the legislature to enact a law which should be inoperative, and inasmuch as the counties were relieved from the payment of salaries and expenses of inspectors appointed by the State scaler it was no doubt the intent of the legislature that each county should pay the expense of the administration of the law.

The services performed are for the benefit of the county and not the State and should be paid by the county.

It therefore follows that your question must be answered in the affirmative.

Respectfully,

S. C. FORD,

Attorney General.