

**Salaries—Deputy County Officers, Additional.**

If deputies are appointed in excess of the maximum fixed by order of the Commissioners, such deputies are to receive salaries as fixed by Substitute for Senate Bill No. 64.

April 11th, 1919.

Mr. Fred C. Gabriel,  
County Attorney,  
Malta, Montana.

Dear Sir:

I am in receipt of your letter of the 3rd inst., inclosing copy of opinion which you rendered the Board of County Commissioners of your county in connection with salaries of deputy county officers as fixed by Substitute for Senate Bill No. 64.

I agree with your opinion with this modification. You have apparently overlooked the provisions of Sec. 3123 Revised Codes. This Section authorizes the board of county commissioners to allow the several county officers to appoint a greater number of deputies than the maximum number allowed by law, when, in the judgment of the board, such greater number is needed for the faithful and prompt discharge of the duties of any office. While the maximum number of deputies is fixed

by Section 3119, as amended by Chapter 119, Session Laws 1909, and Section 3128, yet, under Section 3123, the board may allow any officer to appoint deputies in excess of the maximum number, when they deem it necessary in order to secure the faithful and prompt discharge of the duties of the office. The legislature in adopting Substitute for Senate Bill No. 64, intended to provide not only for the salaries of the deputies which officers might appoint under Section 3119 as amended and Section 3128, but also for the salaries of any deputies which the board might allow officers under Section 3123. If the board of county commissioners makes no order allowing additional deputies then, under Sections 3119 as amended, and 3128, the sheriff is allowed one undersheriff and one deputy sheriff, the clerk of the court, one deputy; and the clerk and recorder, one deputy, whose salaries are fixed by Sub. for Senate Bill No. 64, and if the board has made any order or orders allowing any officer or officers to appoint a greater number of deputies then the salaries of such additional deputies are fixed by such bill.

Respectfully,

S. C. FORD,

Attorney General.