

**Deputies—County Treasurer, Office Of—Appointment.**

Under Section 3123 of the Revised Codes of 1907, in a fifth class county, the appointment of deputies for the county treasurer is left within the discretion of the County Commissioners, and when authorized, the County Treasurer may appoint without the approval of the Commissioners.

April 18th, 1919.

Mr. Calvin H. Pippin,  
County Commissioner,  
Saco, Montana.

Dear Sir:

I am in receipt of your letter of the 15th inst., asking that I advise you regarding the appointment of a deputy or deputies in the office of the county treasurer, and the number thereof.

Section 3123, Revised Codes of 1907, fixes the maximum number of deputies allowed county treasurers in counties of the different classes and this section specifically states that a county treasurer of a county of the fifth class is not entitled to any deputy, except such as the board of county commissioners may deem necessary during the months of November and December. However, this section must be construed with Section 3123 which provides that the board of county commissioners has authority to allow a county officer to appoint deputies in excess of the maximum number allowed by law when, in the judgment of the board, such greater number is needed for the faithful discharge of the duties of his office.

You are, therefore, advised that the appointment of a deputy or deputies in the office of a county treasurer of a county of the fifth class is wholly and entirely within the discretion and control of the board of county commissioners, and that unless the board, under the provisions of Section 3123, authorizes the county treasurer to appoint one or more deputies, such county treasurer is not entitled to appoint any deputy whatever. If, however, the board, under the provisions of Section 3123, authorizes the county treasurer to appoint a deputy, or deputies, such appointment may be made by the county treasurer and he is not required to have the appointment approved or confirmed by the board of county commissioners. The board, in authorizing the appointment of a deputy or deputies under the provisions of Section 3123, may specify the time for which such deputy or deputies are to be appointed by the county treasurer, that is, the board may authorize the appointment of a deputy for the whole year, or for any specified length of time less than a year.

Respectfully,

S. C. FORD,

Attorney General.