

**Crime, Expenses For Investigation Of—County Commissioners, Powers Of—Expense For Criminal Investigations—Claims Against County For Investigation.**

The allowance of a claim for expenses incurred by investigations for violations of criminal law is within the discretion of the board of county commissioners.

May 11, 1920.

Mr. P. S. Richardson,  
Chairman Board County Commissioners,  
Miles City, Montana.

Dear Sir:

I am in receipt of your letter stating that one F. A. Brady has presented a claim against Custer County for \$609.04, and one Wm. Cory has presented a claim against Custer County for \$332.05, both claims being for per diem and expenses in the matter of investigation of violations of the prohibition, gambling and prostitution laws, and asking if these claims are proper charges against Custer County, and if so, under what section of the law the board of county commissioners is authorized to pay the same.

I understand from your letter that what you desire to know is whether the board of county commissioners can lawfully allow and order these claims paid.

The general and permanent powers of the board of county commissioners are enumerated in Section 2894, and this section, after enumerating a large amount of powers in subdivisions 1 to 24 inclusive, in subdivision 25 specified the power "to perform all other acts and things required by law not in this title enumerated, or which may be necessary to the full discharge of the duties of the chief executive authority of the county government."

Section 3199 specified what are county charges, specifying in subdivision 8 "the contingent expenses necessarily incurred for for the use and benefit of the county."

The board of county commissioners is the chief executive authority of the county, and as such may exercise al powers which properly belong to such authority. The statute enumerating county charges does not attempt to specify particularly every county charge, but only to enumerate them in general terms, and it is for the board of county commissioners, in the exercise of its discretion, to determine whether any such claim is in fact a county charge, the board being guided by the fact of whether or not the county has received any benefit from the services rendered.

If the board of county commissioners believes that the services rendered by Brady and Cory were of benefit to the county, and that they were necessary in order to secure a proper enforcement of certain

criminal laws in such county, then the board of county commissioners may consider the same as county charges and may properly and lawfully allow said claims and order the same paid.

Truly yours,

S. C. FORD,

Attorney General.