

Rewards—County Commissioners—Misdemeanors—Prohibition Law—Arrest—Conviction—Intoxicating Liquors.

The county commissioners have no authority to pay a reward for the arrest and conviction of persons committing misdemeanors in their respective counties.

Stuart McHaffie, Esq.,
County Attorney,
Ryegate, Montana.

January 21, 1926.

My dear Mr. McHaffie:

You have requested my opinion on the following question:

“Can the county commissioners pay a reward for the arrest and conviction of violators of the prohibition law?”

Section 4483 R. C. M. 1921 provides that the county commissioners may pay a reward for the apprehension and conviction of any person or persons who have committed any felony within their respective counties. It is clear from a reading of this statute that the legislature intended to limit this authority to only such cases as were serious enough to be classed as felonies and I find no statutory authority for the paying of rewards in misdemeanor cases.

As stated in the case of *Felker vs. Board of County Commissioners of the County of Elk*, 70 Kas. 96, 3 Ann. Cas. 156:

“The state, of course, might empower, or make it the duty of the county board to offer rewards but as it is a state function, and one outside of the scope of the ordinary duties of a county board, there must be express authority before the board can create a liability against the county by such an offer.”

It is, therefore, my opinion that the county commissioners have no authority to pay a reward for the arrest and conviction in misdemeanor cases.

Very truly yours,
L. A. FOOT,
Attorney General.