

Stenographers—Mileage—Court Reporters.

While a district court is in session on successive days the court stenographer is not entitled to return at night to his home in another county at the expense of the county.

W. P. Halloran, Esq.,
Court Reporter,
Anaconda, Montana.

December 15, 1926.

My dear Mr. Halloran:

You have requested my opinion as to the legality of a charge of \$5.20 per day for what I understand to be a number of consecutive trips occurring on successive days to attend a jury session of the court in Powell County.

Section 8933, R. C. M. 1921 provides in part for the allowance to the court stenographer of a mileage of 10c per mile for the distance traveled by him from one county seat to another in the performance of his official duties.

Section 8929 makes it the duty of the stenographer to attend all sittings of the court.

It is my opinion that section 8933, *supra*, contemplates the payment of but one mileage from one county seat to another and return for the purpose of attending a sitting of the court. Should the court recess for a day or more I think it probable that a reconvening of the court, although at the same term or session, might be said to be a new "sitting" of the court, and that the stenographer might properly charge mileage for going from one county to another during the recess. While the court is in session on successive days, however, I think the reporter is not entitled to return at night to his home in another county seat at the expense of the county.

Somewhat similar questions have frequently been considered by this office in connection with the allowance of mileage to county commissioners and the conclusion reached has been in harmony with the opinion herein expressed. (See Opinions of Attorney General, Vol. 9, page 202).

Very truly yours,

L. A. FOOT,
Attorney General.