

Expenses—Sheriffs—Claims—Counties.

Where a warrant of arrest has been issued by a magistrate in a Montana county for the arrest of a person for a crime committed in said county, it is proper for the sheriff of said county to pay reasonable expenses to a sheriff in another state for apprehending and arresting the person named in such warrant, and the payment of same is a proper contingent expense of the county.

Angus B. McLeod, Esq.,
Sheriff, Silver Bow County,
Butte, Montana.

January 10, 1928.

My dear Mr. McLeod:

You have requested my opinion whether Silver Bow county is liable for the payment of a bill of \$14.20, presented by the sheriff of Salmon City, Idaho, for expenses incident to the making of an arrest of a man at Salmon City, Idaho, under authority of a warrant issued in Montana and by request of the sheriff of Silver Bow county, Montana.

You state that the Idaho sheriff has presented the above bill to the state of Montana and likewise to Silver Bow county, and that payment has been refused by both the county and state.

It is my opinion that the action of the state board of examiners in refusing the claim against the state was correct as there is no warrant of law for the state to pay expenses of this sort except in connection with extradition proceedings.

It is further my opinion that the county commissioners of Silver

Bow county were justified in their refusal to pay the bill presented by the Idaho sheriff.

If, however, the sheriff of Silver Bow county had paid the bill in the first instance to the Idaho sheriff and had then presented his claim against Silver Bow county for the money so expended, it is my opinion that such a claim would be a proper county charge within the scope of subdivision 8 of section 4952 of the code authorizing the payment of contingent expenses incurred for the use and benefit of the county.

It would seem to me that where the crime has been committed in Silver Bow county and a warrant has been issued by a magistrate in said county for the arrest of the perpetrator, it is proper for the sheriff of that county to pay reasonable expenses to a sheriff in another state for apprehending and arresting the person named in such warrant. In such case I believe the payment of such expenses is a proper contingent expense of Silver Bow county.

Very truly yours,

L. A. FOOT,

Attorney General.