

14, Opinions of the Attorney General, 18.)

This question has also been presented to the Supreme Court in *Farrell v. Yellowstone County*, 68 Mont. 313; *Modesitt v. Flathead County*, 57 Mont. 216; *Jobb v. County of Meagher*, 20 Mont. 424. The whole matter was extensively reviewed in an exhaustive opinion by Attorney General Nagle in Vol. 15, Opinions of the Attorney General, 18. There the question was as to the salary of a deputy county treasurer but the reasoning is equally applicable to the problem at hand. Attorney General Nagle held that deputies employed under the authority of Section 4880, R. C. M., 1935, are entitled to the same compensation as permanent deputies, or \$137.50 a month.

On the authority of *Farrell v. Yellowstone County*, *supra*, and following a long line of analogous opinions by my predecessors, I am of the opinion that a deputy county attorney is entitled to a salary of \$1650 a year, or \$137.50 a month, in a county of the sixth class, in line with what is paid to other deputies.

Opinion No. 17.

County Officers—Deputies—County Attorney—Salary.

HELD: A deputy county attorney appointed by authority of Section 4880 R. C. M. 1935, is entitled to a salary of \$137.50 a month.

January 28, 1939.

Mr. J. E. McKenna
County Attorney
Lewistown, Montana

Dear Mr. McKenna:

You have asked as to the salary to be paid a deputy county attorney in a county of the sixth class.

The question of salaries for deputy county officers has been extensively considered by several of my predecessors in office. (Vol. 8, Opinions of the Attorney General, 90, 94, 99 and 168; Vol. 9, Opinions of the Attorney General, 9; Vol. 10, Opinions of the Attorney General, 173; Vol. 12, Opinions of the Attorney General, 137, 377; Vol.