

Clerk of Court—Fees—Acceptance of Warrants in Payment of Fees.

County warrants may not be accepted by the Clerk of the Court and turned over to the County Treasurer in lieu of fees collected by the Clerk of the Court.

Dean King, Esq.,

County Attorney,

Kalispell, Montana.

My dear Mr. King:

I am in receipt of your letter inquiring whether the Clerk of the Court may, in lieu of fees collected by him, deposit with the County Treasurer his salary warrant when the banks are discounting the warrants on the contingent and general funds.

As I understand the situation, the warrants of the contingent and general funds of Flathead County are being registered and, therefore, discounted by the banks, which temporarily makes their value under par. It is proposed that these warrants be turned over to the Treasurer at par in payment of fees collected by the Clerk of the Court and payable to the county each month.

You will note that Section 3139 of the Revised Codes of 1907 provides in part:

“All salaried officers of the several counties must charge and collect for the use of their respective counties, and pay into the county treasury on the first Monday in each month, all the fees now or hereafter allowed by law, paid or chargeable in all cases except as provided in Section 7178 of the Code of Civil Procedure.”

Payment of any amount to the County Treasurer, less than the full amount of the fees collected, would be in contravention of the above statute. The warrant in question being subject to discount, therefore, the County Treasurer could not credit it for the payment of fees collected when it is not at the time worth par.

It is, therefore, my opinion that the warrant cannot be accepted by the County Treasurer in payment of the fees in question.

Very truly yours,

WELLINGTON D. RANKIN,

Attorney General.