

County Clerk, Fee for Inspecting Pelts.

Under Section 3072, Political Code, as amended by Chapter 44, Laws of 1905, the fee allowed the county clerk for inspecting pelts presented for bounty is not in conflict with Section 31, Article V of the constitution. It is an additional duty imposed upon an officer after his election, for which additional compensation may be allowed him.

Helena, Montana, July 20, 1905.

C. R. Stranahan, Esq., County Attorney, Boulder, Montana.

Dear Sir:—Your letter of the 14th instant, relating to the compensation allowed the county clerk under Section 3072, Political Code, as amended by Chapter 49, laws of 1905, to hand.

It appears from such section that this was a new duty imposed upon the county clerk, and for the performance of the same the legislature intended to allow him a compensation of five cents for each scalp examined by him, the same to be paid out of the bounty fund. As to whether compensation can be allowed an officer for the performance of

duties imposed upon him after his election has been fully discussed and determined by our supreme court in *State v. Granite County Commissioners*, 23 Mont. 250. The court in such case said: "The imposition of the new services and allowance of fees for discharging them, is in no wise obnoxious to the prohibition of the constitution against the increase or diminution of emolument after election or appointment;"

Pursuant to the above decision, we must hold that the compensation allowed the county clerk for examining scalps on which bounty is claimed goes to the county clerk for his personal benefit, and that the act is not in conflict with Section 31 of Article 5 of the constitution.

Yours very truly,

ALBERT J. GALEN,

Attorney General.