

**Stock Commissioners, Payment of Fee for Commission by.
Fee For Issuing Commission to Stock Commissioner. Secretary
of State, Collection of Fee for Commission.**

Under the law of this State a person receiving a commission as Stock Commissioner is required to pay to the Secretary of State the statutory fee of Five Dollars.

Helena, Montana, April 30, 1907.

Hon. W. G. Preuitt,
Secretary of State Board of Stock Commissioners,
Helena, Montana.

Dear Sir:—

I am in receipt of your letter of the 19th inst. submitting for the consideration of this office the question:

“Are the members of the State Board of Stock Commissioners, appointed by the Governor under the provisions of Section 2950, Political Code, as amended by Laws of 1907, at page 177, required to pay to the Secretary of the State a fee of Five Dollars for the commission issued to each of such members?”

Said Section 2950, as amended, authorizing the Governor to appoint a Board of Stock Commissioners, provides that “such commissioners upon entering upon their duties must take the constitutional oath of office, which oath must be filed in the office of the Secretary of State.”

Section 18 of Art. VII. of the State Constitution provides:

“All grants and commissions shall be in the name and by the authority of the State of Montana, sealed with the great seal of the State, signed by the Governor and countersigned by the Secretary of state.”

Section 1003 of the Political Code also provides:

“The commissions of all officers commissioned by the Governor must be issued in the name of the State, and must be signed by the Governor and attested by the Secretary of State under the Great Seal of the State.”

Subdivision 14 of Sec. 410 of the Political Code, as amended by Chap. 74, Laws 1905, which section prescribes the fees which must be collected by the Secretary of State, reads:

“XIV. For each commission or other document signed by

the Governor and attached" (attested) "by the Secretary of State (Pardon and Military Commissions excepted.), five dollars."

While it is unusual to require an official to pay for the privilege of working for nothing, still this law makes no exception of stock commissioners, while it does contain an exception of "Pardon and Military Commissions; and under the provision of the law as it now stands, the Secretary of State would not be justified in attesting any commission of a stock commissioner without charging the statutory fee of Five Dollars therefor.

Very truly yours,

ALBERT J. GALLEN,

Attorney General.