

Game Law. Fines. Costs.

The Game Law being general with reference to the subject of fines imposed for its violation, the general law with reference to the disposition of fines apply, and it is, therefore, proper for a justice of the peace to deduct costs of prosecution from the amount of the fine paid.

Helena, Montana, July 7, 1909.

Hon. Henry Avare,
State Game and Fish Warden,
Helena, Mont.

I am in receipt of your favor of the 1st instant asking the opinion of this office upon the following question:

“Where a fine is imposed upon a defendant by a justice of the peace for violation of the game law, is the justice entitled to take his costs from the amount of said fines?”

In reply you are advised that the justice of the peace is entitled to make such deduction under the law. The penalty attached to violation of the game law in almost every instance, is fixed at a fine or imprisonment or both, and in no case is specific provision made respecting costs, therefore the general law with reference to the disposition of fines must be taken as a guide, and by the provisions of section 9715 of the revised codes of 1907,

"All fines and forfeitures collected in any court, except police courts, must be applied to the payment of costs of the case in which the fine is imposed or the forfeiture incurred, and after such costs are paid the residue must be paid to the county treasurer of the county in which the court is held."

Yours very truly,

ALBERT J. GALEN,

Attorney General.