

**State Examiner's Fee, Liability For. Banks, Liability for
Examiner's Fee. Payment, by Mistake or Error.**

Where a bank through error or mistake over pays the amount required of it for state examiner's fee in any one year, it cannot subtract such over payment from the fee of the succeeding year but such subsequent fee must be paid in full and claims may then be presented for the prior over payment.

October 16th, 1911.

Hon. E. E. Esselstyn,
State Treasurer,
Helena, Montana.

Dear Sir:

In oral conversation had at my office, you presented the question:

As to whether or not the Thomas Cruse Savings Bank,
of this city, should be required to pay the sum of \$150.00 as

a state examiner's fee for the year 1911, it appearing that last year, through error or mistake, they paid the sum of \$200.00, instead of \$150.00.

In this connection you make enquiry as to whether or not it would be proper for this year, to collect from the bank only the sum of \$100.00 so as to make up the total state examiner's fee for the two years aggregating \$300.00.

As the money which was paid last year has gone to the credit of the General Fund it will be necessary for them to again this year pay the examiners fee of \$150.00, and thereupon present claim against the state in the sum of \$50.00, which claim will undoubtedly be approved by the board of examiners and transmitted to the legislative assembly for appropriation. There is no way by which money can be taken from the general fund of the state treasury save and except by appropriation.

Yours very truly,

ALBERT J. GALEN,

Attorney General.