

Stallion Registration Law, Fines for Violation Of, to Whom Paid. Fines, for Violation of Stallion Registration Law, Who Entitled To.

Fines collected for violations of the stallion registration law should be paid to the county treasurer of the county wherein the offense was committed and after payment of the costs of the prosecution the balance of the fine should be credited to the school fund.

April 27th, 1912.

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

Dear Sir:

In reply to your oral inquiry of recent date stating that you had received a check for \$50.00 from Frank Peshick, a justice of the peace, of Ravalli County, being the amount of a fine imposed upon James Phelps for using a stallion for public service without first obtaining the necessary license, and requesting my official opinion as to what disposition should be made of this money, I will say, Secs. 10 and 11 of Chapter 108, Session Laws of 1909 provide for certain fees to be paid to the secretary of the stallion board for the enrollment of pedigree, the issuance of license, and for the renewal thereof, and also for transferring the license in case of sale of the animal. Sec. 12 of the act provides a fine of not less than \$50 nor more than \$200 for any violation of the provisions of the act.

Sec. 13 provides, "the funds accruing from the above named fees shall be used by the stallion registration board to defray the expenses of veterinary examination, of enrollment of pedigree, and issuance of license. Any funds not so used shall be used to publish reports, etc."

It is my opinion that the legislature intended the word "fee" to include only the fees provided for in the act and not to include the

finer mentioned in Section 12. If the legislature had intended to include fines it would undoubtedly have done so by express language. The word "fees" certainly does not include fines.

Under the provisions of Sec. 9629 and Sec. 9715, of the Revised Codes, all fines must be paid to the county treasurer of the county in which the court is held, after the payment of costs. There being no provision made for the disposition of this fine, under the provisions of Sec. 1037, Revised Codes, it should be credited to the school fund.

Yours very truly,

ALBERT J. GALEN,

Attorney General.