

**Attorneys—License—House Bill No. 264 of the Fifteenth  
Legislative Assembly Construed.**

An attorney admitted by the Supreme Court of this state to practice his profession, and who is not now engaged as a practicing attorney, is not required to pay the annual license fee required under the provisions of House Bill No. 264 of the Fifteenth Legislative Assembly.

March 29, 1917.

Mr. J. T. Carroll,  
Clerk of the Supreme Court,  
Helena, Montana.

Dear Sir:

You have requested an opinion from this office as to whether an attorney admitted by the Supreme Court of this state to practice his profession, and who is not now engaged as a practicing attorney is required to pay the annual license fee required under the provisions of House Bill No. 264, passed by the Fifteenth Legislative Assembly.

Section 2 of said Act provides that every attorney or counsellor at law admitted by the Supreme Court to practice, shall be required to pay a license tax of \$5.00 per annum.

Section 4 provides that **no attorney shall practice or be permitted to practice** in any court of record in the state until he has paid the license tax for the current year and procured a certificate, and that any attorney violating said act shall be guilty of a misdemeanor.

I am of the opinion that the law contemplates that only attorneys engaged in practice shall be required to pay the license fee, and that one admitted but not practicing is not required to pay the same, and that such attorney would lose no rights by failure to pay. However, should such attorney desire to again re-engage in practice, it would be necessary that the fee be paid and certificate procured.

Respectfully,

S. C. FORD,  
Attorney General.