

**Justice of the Peace—Fees—Salary—Filing Complaint.**

A justice of the peace under Sec. 2 of Chap. 84, Session Laws of 1917, is required to pay the fee collected for filing a complaint charging a violation of the Fish and Game Law into the county treasury.

July 10, 1919.

Hon. H. S. Magraw,  
State Examiner,  
Helena, Montana.

Dear Sir:

I am in receipt of your favor of recent date in which you request my opinion as to whether a justice of the peace, when the law provides for a regular salary, may make a charge of \$2.50 for filing a complaint charging a violation of the Game and Fish Law and retain such fee as he formerly did when not on a salary, or whether he should withhold the fee out of the fine imposed and pay the same into the Contingent Fund of the county.

Section 2 of Chapter 84, Session Laws of 1917, provides that a justice of the peace, when on a salary, shall turn all fees collected over to the county treasurer, excepting fees designated as miscellaneous fees by Section 3176.

The fee for filing a criminal complaint for a violation of the Fish and Game Law is not one of the fees designated as miscellaneous fees by said section as fees in criminal cases and which, under Section 2 of Chapter 84, Session Laws of 1917, are to be paid into the county treasury when the justice of the peace is on a salary.

The justice of the peace must, therefore, deduct such fee out of the fine and pay such fee into the county treasury, and he cannot retain the same.

Respectfully,

S. C. FORD,

Attorney General.