

No. 405

**PENALTIES, disposition of—FORFEITURE—
SCHOOL FUND**

Held: Penalty collected under Section 6168, Revised Codes of Montana, 1935, should be placed to credit of permanent school fund.

April 20, 1942.

Mr. Thomas E. Carey
State Treasurer
State Capitol
Helena, Montana

Dear Mr. Carey:

Your question, in substance, is:

To what fund should money, received by the State as a penalty under Section 6168, Revised Codes of Montana, 1935, be credited?

Section 6168 contains no provision directing the manner of disposition of this penalty.

Section 1201, Revised Codes of Montana, 1935, provides the state school fund shall be derived, among other things, from "the proceeds of land and other property which revert to the state by escheat and forfeiture."

A forfeiture is defined by Webster's New International Dictionary (Second Edition) to be: that which is forfeited; a penalty; a fine or mulct.

It is my opinion the penalty should, by virtue of Section 1201, supra, be placed to the credit of the permanent school fund.

Sincerely yours,

JOHN W. BONNER
Attorney General