

Opinion No. 123.**Recording Fees—Marriage License,
recording fee.**

Held: The twenty-five cent recording fee for each marriage certificate provided for in Section 34, Chapter 44, Laws of 1943 is to be remitted to the county treasurer and credited by him to the county general fund.

September 18, 1943.

Mr. Edison W. Kent
County Attorney
Granite County
Philipsburg, Montana

Dear Mr. Kent:

You have requested my opinion concerning the disposition of the twenty-five cent fee provided for in Section 34, Chapter 44, Laws of 1943.

Section 34 provides:

“Every officer authorized to issue marriage licenses shall be paid a recording fee of twenty-five cents (25c) for each marriage certificate filed with him and forwarded by him to the state registrar. The recording fee shall be paid by the applicant for the license and be collected together with the fee for the license.”

If the recording fee shall be paid by the applicant for the license and be collected together with the fee for the license.” There is no distinction made between the license fee and the registration fee as regards

the disposition of the same. Sections 4864 and 4887, Revised Codes of Montana, 1935, provide that all fees collected by a county officer must be collected for the sole use of the county, paid to the county treasurer and credited to the general fund of the county.

It is my opinion that the twenty-five cent recording fee for each marriage certificate provided for in Section 34, Chapter 44, Laws of 1943 is to be remitted to the county treasurer and credited by him to the county general fund.

Sincerely yours,
R. V. BOTTOMLY
Attorney General