

Opinion No. 248.**Supreme Court—Filing Fees—Federal
Agencies—Alien Property Custodian.**

Held: Alien property custodian of the United States of America must pay filing fees upon filing suits in the Supreme Court of the State of Montana.

September 9, 1944.

Mr. Frank Murray, Clerk
Supreme Court of Montana
State Capitol
Helena, Montana

Dear Mr. Murray:

You have requested an opinion of this office asking if the alien property custodian of the United State of America must pay the regular filing fees for filing suits in the Supreme Court of the State of Montana.

This office held in Opinion No. 64, Volume 20, Report and Official Opinions of the Attorney General, that the emergency price control administration was not exempt from paying filing fees in the state court on the grounds that Section 4893, Revised Codes of Montana, 1935 does not exempt federal agencies and that the federal act creating the agency did not exempt the same from the payment of such fees.

Section 9810, Revised Codes of Montana, 1935, does not exempt federal agencies from paying court fees and the federal act popularly called "Trad-

ing with the Enemy Act" does not exempt the alien property custodian of the United States of America, or any of the agents or employees of such custodian from paying fees.

Therefore, it is my opinion the alien property custodian of the United States of America must pay filing fees upon filing suits in the Supreme Court of the State of Montana.

Sincerely yours,
R. V. BOTTOMLY
Attorney General