

Sheriff, Fees Of. Fees, of Sheriff.

A sheriff is not entitled to charge a fee for copies where such copies are furnished by the party to the action or his attorney.

January 20, 1911.

Mr. James R. Stephens,
Sheriff, Valley County,
Glasgow, Montana.

Dear Sir:

I am in receipt of your letter of the 16th inst., asking my opinion as to the fees to be charged by a sheriff in serving copies of any writ,

process or other paper when demanded or required by law, where such copies were furnished by the plaintiff's attorney.

Sub-division 10, of Section 3167, Revised Codes, provides that the sheriff shall charge:

"For copies of any writ, process or other paper when demanded or required by law, for each folio twenty cents."

However, I call your attention to Section 7199, Revised Codes, which provides:

"In all cases where copies of pleadings, affidavits or other papers are to be served, neither the sheriff nor the clerk shall charge or receive a fee for making such copies when the same are furnished to such officer by the party to the action or his attorney."

It is therefore my opinion that the sheriff is not entitled to compensation provided by Section 3167, Revised Codes, where such copies are provided by the party to or attorney in the case, in which event the provisions of Section 7199, would of course apply.

Yours very truly,

ALBERT J. GALEN,

Attorney General.