

**Clerk of District Court—Fees—Arbitration.**

The Clerk should collect a fee of \$5.00 from the party filing the stipulation in a submission to arbitration proceeding, and no further fee is required until judgment, at which time the prevailing party must pay a fee of \$2.50 as provided in section 4918 R. C. M. 1921.

April 9, 1928.

R. N. Hawkins, Esq.,  
Assistant State Examiner,  
Helena, Montana.

My dear Mr. Hawkins:

You have requested my opinion on the following question:

“What fee should the clerk of the district court charge, if any, for filing papers in matters of arbitration, the proceedings being held in accordance with chapter 17, part IV, civil code of procedure, R. C. M. 1921?”

A submission to arbitration is a special proceeding and under the provisions of section 9974 R. C. M. 1921 when the stipulation is submitted the clerk is required to enter the same in the register of civil actions.

Section 4918 R. C. M. 1921 provides that “at the commencement of each action or proceeding, the clerk must collect from the plaintiff the sum of \$5.00 \* \* \*.”

The clerk should therefore collect a fee of \$5.00 from the party filing the stipulation. No appearance of the defendant is required in this proceeding and hence no further fee need be paid until judgment, at which time the prevailing party must pay a further fee of \$2.50 as provided in section 4918, supra.

Very truly yours,

L. A. FOOT,  
Attorney General.