

Opinion No. 135.**Sheriffs and Constables—Fees.**

HELD: A Sheriff of one county may not charge a fee for service of process in a suit by another county.

September 12th, 1939.

Mr. Gordon O. Berg
County Attorney
Ekalaka, Montana

Dear Mr. Berg:

You have submitted the question as to whether or not a sheriff, serving process upon a defendant in a suit in his county brought by another county (quieting title to tax deed land) may charge a one dollar service fee.

The service fee to be collected as authorized in Section 4916, R. C. M., 1935, as amended by Chapter 139, Laws of 1937, has reference to the fee to be collected from individuals.

State vs. Story, 53 Mont. 573.

Section 4893 prohibits any public officer from charging any county any service fee. That section has reference not only to the sheriff's own county but to all other counties.