

Attachment, Fees For.—Fees in Attachment.—Sheriffs, Fees For Attachment.

Under Second Paragraph, Sec. 4634 of the Political Code, but one fee of one dollar can be charged for the use of the County in making service of one Writ of Attachment.

Helena, Mont., Dec. 30, 1905.

Hon. A. J. Walrath, County Attorney, Bozeman, Mont.

Dear Sir:—I am in receipt of your letter of the 26th inst., in which you submit “the proposition as to whether, under the second paragraph of Section 4634, of the Political Code, the Sheriff, upon making more than one service of one writ of attachment is entitled to more than one fee of \$1.00, besides mileage?”

This same question was heretofore submitted to Attorney General Donovan by the County Attorney of Sweet Grass County, and the Attorney General’s reply thereto, under date of September 16th, 1903, was to the effect that but one fee could be charged for the same writ of attachment under Section 4634 of the Political Code.

This, we believe, is a correct statement of the law. This fee of one dollar goes to the county and the county cannot exact but one fee for the same writ, and it includes all that can be collected for the use of the county under the second sub-division of said section. And the term “service” includes all that is necessary to be done to make proper service of the writ as required by Section 895 of the Code of Civil Procedure as amended by the laws of 1899, page 139.

Respectfully submitted,

ALBERT J. GALEN,
Attorney General.