

**Fees, Where State, County, or Subdivision of County Is Party
to the Action.**

Under Section 1874, Code of Civil Procedure, and Section 4612, Political Code, no fees should be charged to, or paid by, a school district or the county treasurer or superintendent of schools in injunction proceedings instituted by the school district against such officials.

January 25, 1905.

J. A. Matthews, Esq., County Attorney, Townsend, Montana.

Dear Sir:—Your letter of the 24th instant, inquiring as to the payment of fees for filing and serving papers in an action wherein a school district is asking for injunction against the county treasurer and county superintendent of schools, to hand.

Section 1874, Code of Civil Procedure, and Section 4612, Political Code, govern the payment of fees in such cases, the latter section reading as follows:

“No fees must be charged the state, or any county, or any subdivision thereof, or any public officer acting therefor, or in habeas corpus proceedings for official services rendered, and all such services must be performed without the payment of fees.”

OPINIONS OF THE ATTORNEY GENERAL.

Under the above sections no fees for filing or serving papers should be charge to, or paid by, either party to such proceeding.

Yours respectfully,

ALBERT J. GALEN,

Attorney General.