

**Requisition, Fee for. Fugitive From Justice, Return Of.  
Extradiction, Charge For.**

In the issuance of the necessary papers, documents and commissions relative to the return to this state of a fugitive from justice, no fee shall be charged.

June 3rd, 1911.

Hon. A. N. Yoder,  
Secretary of State,  
Helena, Montana.

Dear Sir:

Pursuant to a ruling or custom which was established during the early history of Montana—perhaps during the first state administration—a fee or charge of ten dollars is made upon application for the return to the state of Montana of a fugitive from justice. This fee or charge of ten dollars was paid by the sheriff or party making the application, and was then returned to such party as a part of his expenses. The state receives nothing for it, but merely charges ten dollars and then returns the ten dollars to the party, which seems to us to entail unnecessary work if not inconvenience.

The grounds on which the charge is based, as we understand it, are the provisions of subdivisions 11 and 14 of Section 165, Revised Codes, which require the secretary of state to make a charge of five dollars for the appointment of an agent and five dollars for the commission. However, by the provisions of 9697 et seq., it is made an executive duty on the part of the governor to issue warrants for the arrest and return of fugitives from justice from this state; hence, any document that is issued or signed by you is in the aid of the governor in the discharge of this duty, and by the provisions of Section 3145 no fees must be charged the state, or any county, or any subdivision thereof or any public officer, etc.

I am therefore of the opinion that in the issuance of the neces-

sary papers, documents and commissions relative to the return to this state of fugitives from justice, no fee should be charged.

Yours very truly,

ALBERT J. GALEN,

Attorney General.