

Sheriffs, Mileage of. Mileage, of Sheriffs.

Sheriffs are entitled to mileage only where mileage is allowed them by law; viz: in serving writs, process, orders, notices, or other papers which they are required by law to serve.

July 29, 1914.

Hon. C. L. Wood,
County Commissioner,
Ekalaka, Montana.

Dear Sir:

I am in receipt of your communication under date the 21st instant, regarding the proper fees of the sheriff's office in a case where an automobile was reported as stolen from the owner in a neighboring state, in which case a deputy sheriff of your county made a two or three day trip in an attempt to locate the thief. Your inquiry goes to the propriety of the Board of County Commissioners allowing a bill for \$69 expenses presented by the sheriff's office, as a charge in connection with this work.

It has been the consistent holding of this office that sheriffs were entitled to mileage only in cases where mileage was provided for in the statute, that is, in serving writs, processes, orders, notices or other papers which they were required by law to serve, and it has been expressly held that sheriffs are not entitled to mileage when merely out looking for persons suspected of crime, for whom no warrants have been issued, or unless a warrant has actually been served. This matter has been heretofore considered by this office, and the conclusions reached will be found in Vol. 1 of the Official Opinions and Reports of the Attorney General at page 179, and in Volume 2, Official Opinions of the Attorney General at page 213. On June 2nd, 1913, this office also had the matter of the charges which might be made by sheriffs, under consideration, and rendered an opinion to Hon. Gus. J. Stromme, chairman of the Board of County Commissioners of Silver Bow county, a copy of which opinion being herewith enclosed for your consideration. The published opinions of the Attorney General you may have access to in the office of the county attorney, and the subject has been so thoroughly canvassed in the previous opinions, and in the one enclosed, that I feel it unnecessary at this time to add anything to what has been said upon the subject already by this office.

Yours very truly,

D. M. KELLY,
Attorney General.