

**Clerk of Court—Naturalization Papers—Fees for Certified Copies.**

A clerk of the district court is required to charge 15c a folio for making certified copies of any naturalization papers and the fee should be accounted for and turned over to the county.

April 11, 1917.

Hon. H. S. Magraw,  
State Examiner,  
Helena, Montana.

Dear Sir.

I am in receipt of your letter of the 5th inst. regarding fees charged by clerks of the District Court for making certified copies of petitions for naturalization, in which you submit the following question:

“We desire to know if the clerk should account to the county for moneys collected for making certified copies of naturalization papers?”

Section 13, of the Act of Congress of June 29th, 1906, (34 St. L. 596—1909 Supp. Fed. St. Ann. 365), fixes certain fees in naturalization proceedings as follows: Receiving and filing declaration of intention \$1.00; making, filing and docketing petition for admission and final hearing \$2.00; entering final order and issuing certificate \$2.00; and this section also authorizes the clerk of the court to retain one-half the fees collected by him in such proceedings.

With reference to the one-half of the fees collected by the clerk in accordance with this section, and retained by him, this department, on April 1, 1915, in an opinion rendered to your department, held that it was the duty of the clerk to account to the county for such fees so collected and retained by him.

Opinions Attorney General, 1914-1916, p. 110.

The Act of Congress above referred to makes no provision for the making of certified copies of naturalization papers, by clerks of courts, neither does it provide for any fees to be charged by the clerks for making certified copies.

Section 3169, Revised Codes, relative to fees of clerks of District Courts, fixed the fee for preparing certified copies of papers in his

office at ten cents per folio, but this Section was amended by House Bill No. 86, 15th Legislative Assembly, so that the fee for preparing copies of papers in his office is fixed at fifteen cents per folio, and when certified to, fifty cents for certificate and seal.

Section 3139, Revised Codes, provides that all fees charged and collected by salaried county officers shall be by such officers paid into the county treasury.

It is, therefore, my opinion, that a clerk of the District Court in making a certified copy of any naturalization paper is required to charge a fee of fifteen cents per folio and fifty cents for his seal, and is also required to account to and pay over to the county all such fees collected by him.

Respectfully,

S. C. FORD,

Attorney General.