

Mining Claims—Affidavits of Non-Forfeiture—Fee For Filing Of.

Affidavits of non-forfeiture are filed, not recorded, and the fee therefor should be fifty cents regardless of the number of claims included.

December 19th, 1917.

Mr. J. E. Kelly,
County Attorney,
Boulder, Montana.

Dear Sir:

Referring to my letter of Nov. 6th, regarding fees for filing notices or affidavits of non-forfeiture of mining claims, provided for by joint resolution of Congress, approved Oct. 5th, 1917, since writing said letter I have had an opportunity to examine said resolution, and it appears therefrom that such notices or affidavits are not required to be recorded but only to be filed.

As these notices or affidavits are not required to be recorded the service is not similar to filing, recording, and indexing affidavits of annual representation, but is similar to filing and indexing a chattel mortgage, writ of attachment, execution, certificate of sale, lien, or other instrument required by law to be filed and indexed.

I am, therefore, of the opinion that the fee to be charged for filing and indexing each notice or affidavit should be fifty cents, without regard to the number of claims included in such notice or affidavit.

Respectfully,
S. C. FORD,
Attorney General.