

**Officers—Fees—Jurors—Witness Fees—Collector of Customs.**

The assistant superintendent and the deputy collector of customs are officers of the United States, within the meaning of section 4936, R. C. M. 1921, but a clerk in the office of the Indian agency is not.

Horace W. Judson, Esq.,  
County Attorney,  
Cut Bank, Montana.

November 25, 1927.

My dear Mr. Judson:

You have requested my opinion on the following question:

“Is the assistant superintendent and special disbursing officer of an Indian agency, the clerk in the office of an Indian agency, and a deputy collector of customs, officers of the United States within the meaning of section 4936, R. C. M. 1921, which provides in part as follows:

“No officer of the United States \* \* \* shall receive any per diem when testifying at any criminal proceedings.”

Under the recent decision of our supreme court, in the case of *State ex rel. Barney v. Hawkins*, 257 Pac. 411, reported in the Pacific advance sheets under date of August 15, 1927, and the authorities therein cited, it is my opinion that the assistant superintendent and special disbursing agent and the deputy collector of customs are officers of the United States within the meaning of section 4936, supra, but that a clerk in the office of an Indian agent is not an officer of the United States within the meaning of this statute.

You have also asked my opinion as to whether one Frank Chatterton, county assessor, who served as a trial juror, is entitled to juror's fees. I know of no statute which prohibits the payment of jury fees to county officers, and it is therefore my opinion that Mr. Chatterton is entitled to the same.

Very truly yours,

L. A. FOOT,

Attorney General.