

Opinion No. 12.
Sheriffs—Mileage.

HELD: (1) Sheriffs are entitled to charge ten cents per mile for distance actually and necessarily traveled in making investigations and rendering similar services.

January 7th, 1938.

Honorable W. A. Brown
State Examiner
State Capitol Building
Helena, Montana

My Dear Mr. Brown:

Due to the many inquiries made to this office by sheriffs relating to the rate of mileage a sheriff is entitled to charge for his services in making in-

vestigations, searching for lost persons and similar duties, we are submitting to you for your guidance the following opinion.

Section 4885, R. C. M., 1935, states in part:

“* * * While in the discharge of his duties, both civil and criminal, except as hereinbefore provided, the Sheriff shall receive ten cents per mile for each and every mile actually and necessarily traveled; and for transporting any person by order of court, except as hereinbefore provided, he shall receive ten cents additional per mile, the same to be in full for transporting and dieting of such person during such transportation.”

Inasmuch as the sheriff is authorized to charge mileage for such services, and the character of such services not having been excepted in the above section or in Chapter 139, L. 1937, or otherwise, it follows under the plain provisions of the statute that the sheriff is entitled to receive ten cents per mile for the distance actually and necessarily travelled in the performance of such duties.

Brannin v. Sweet Grass County,
88 Mont. 412.