

## No. 174

**FEES—CLERK AND RECORDER—MINING CLAIMS—  
ANNUAL LABOR ON MINING CLAIMS**

**Held:** Clerk and Recorder is entitled to charge one dollar for each mining claim listed on the affidavit of annual labor which is being filed pursuant to Chapter 87, Laws of 1941.

July 16, 1941.

Mr. Maurice J. MacCormick  
County Attorney  
Powell County  
Deer Lodge, Montana

Dear Mr. MacCormick:

You have inquired regarding the fees to be charged by the Clerk and Recorder for recording and indexing each affidavit of annual labor on mining claims.

It is true Section 4917, Revised Codes of Montana, 1935, was amended by Chapter 87, Laws of 1941. However, I am of the opinion the amendment was more an amendment of form than substance.

Section 4917 stated the affidavit should be filed for each mining claim. You will note the singular number is used. Chapter 87, Laws of 1941, uses the language: "Each affidavit of annual labor on mining claim." You will note the amendment still uses the singular.

It is therefore my opinion the opinion which you rendered to your County Clerk and Recorder is correct: that a fee should be charged for each mining claim set forth on the affidavit which is being filed.

Sincerely yours,

JOHN W. BONNER  
Attorney General