

SHERIFFS FEES: Amount allowed for actual miles traveled.

August 8, 1936.



Honorable O. B. Jennings
Clerk Circuit Court
Howell County
West Plains, Missouri

Dear Sir:

We have your request for an opinion of this office upon the following facts:

"The arresting officer drove 40 miles in arresting and bringing before the Justice three prisoners. They filed a separate case against each defendant making three cases. Is the county liable to the officer for 40 miles claimed on each warrant or a total of 120 miles? Or are they liable for just 40 miles the actual distance traveled?"

Section 11792 R. S. Missouri 1929, covers this matter fully. We quote the pertinent portions thereof:

"Sheriffs,****shall be allowed for their services in criminal cases*** as follows: Ten cents for each mile actually traveled in serving any**** writ***when served more than five miles from the place where the court is held: Provided, that such mileage shall not be charged for more than one witness subpoenaed or venire summons or other writ served in the same cause on the same trip."

Hon. O.B. Jennings

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August 8, 1936.

It is therefore the opinion of this office that sheriffs shall be allowed mileage only for miles actually traveled in serving any writ.

Respectfully submitted

FRANKLIN E. REAGAN,
Assistant Attorney General

APPROVED:

JOHN W. HOFFMAN, Jr.,
(Acting) Attorney General

FER:MM