

Justices of the Peace—Fees to be Charged in a Criminal Action.

A Justice of the Peace is entitled to charge the same fee in a case where he filed the complaint and issued a warrant of arrest as he is entitled to charge under Section 4926, Revised Codes of 1921, where the defendant was returned and entered a plea and was bound over without examination.

L. Q. Skelton, Esq.,
State Examiner,
Helena, Montana.

My dear Mr. Skelton:

I have your letter relative to the fees due a Justice of the Peace in a criminal action for filing a complaint, docketing the case and issuing a warrant of arrest.

This is provided for by Section 4926, Revised Codes of 1921, which provides:

“For all services rendered as a committing magistrate where examination is waived, two dollars and fifty cents.”

It is my opinion that under this section of the statute the Justice of the Peace is entitled to the same fee in a case where he filed the complaint and issued a warrant of arrest as he is entitled to in a case where the defendant was returned and entered a plea and was bound over without examination.

Very truly yours,

WELLINGTON D. RANKIN,
Attorney General.