

Officers—Justices of the Peace—Public Administrators—Incompatibility.

The offices of justice of the peace and public administrator are incompatible, and may not be held by the same person.

D. Y. Wilson, Esq.,
Justice of the Peace,
Winnett, Montana.

October 23, 1930.

My dear Mr. Wilson:

You state that you desire an opinion with reference to whether you could hold the office of public administrator in addition to holding the office of justice of the peace in the event your name was written in at the general election on the ballot for the first named office.

The only reason why a person cannot hold more than one office is that there might be some incompatibility in the offices, that is, that a man might have to perform some duty with respect to one office which would be incompatible or inconsistent with his duties in the other office.

Suppose that it was necessary for someone to bring a civil suit involving less than \$50.00 against the public administrator in connection with some estate. The justice court would be the only court having jurisdiction of such a case and you would then, as the sole justice of the peace of your county, be sitting in the case in which you were interested in your official representative capacity and would thus be violating the statute which says that no justice of the peace shall be interested in any case brought before him. Also it is conceivable that some charge of misdemeanor might be brought against the public administrator of which the justice court would have jurisdiction.

You can see, therefore, that there is a possibility that the two

offices would be in conflict. It is therefore my opinion that you could not hold both offices.

Very truly yours,

L. A. FOOT,
Attorney General.