

**Opinion No. 307****Justices of the Peace—Fines—  
Remission of Fines.**

HELD: A justice of the peace has no authority to remit a part of a fine when the amount remitted reduces the fine below the minimum imposed by statute.

August 15, 1933.

You advise that a party at Havre, Montana, was found guilty of illegally possessing a beaver skin, fined \$25.00 for the offense by the Justice of the Peace. The justice remitted \$10.00 of the fine, and you desire our opinion as to the authority of the justice to remit a part of the fine when the amount remitted reduces the fine below the minimum imposed by statute for such offense.

The provisions of the statutes control the acts of justices, as well as all other persons. The minimum fine for the offense named is \$25.00. The justice has no power to impose a less fine in the first instance and cannot defeat the statute by remitting any part of the minimum prescribed.

Section 12029, R. C. M. 1921, provides that if a jury assess a punishment below the limit prescribed by law for the offense of which defendant is convicted, the court must pronounce sentence and render judgment according to the lowest limit prescribed. There is no statute relating to the power of a justice of the peace to remit fines, but the legislature will govern in such matters. The statute is clear and must control.