

Opinion No. 88.**Justice of the Peace—Supplies—
County Commissioners.**

HELD: Since Justices of the Peace are township, not county, officers, the Board of County Commissioners may not provide a Justice of the Peace with dockets, codes and blank forms.

April 25, 1935.

Mr. Robert H. Allen
County Attorney
Virginia City, Montana

This will acknowledge receipt of your letter of April 5, requesting us to advise if you, as county attorney, or the board of county commissioners, are required to furnish supplies such as dockets, codes and blank forms to justices of the peace within the county.

We are not aware of any provision of law authorizing you to furnish such supplies to justices of the peace out of the funds allowed you for the conduct of your office.

Section 4465, R. C. M. 1921, as amended, gives the board of county commissioners the power to provide books and stationery for county officers. But justices of the peace are township officers and not county officers. (Sections 4725 and 4726, R. C. M. 1921; Volume 10, Report and Official Opinions of Attorney General, p. 266.) Therefore, since a board of county commissioners may exercise only the powers conferred upon it by law (*Lewis v. Petroleum County*, 92 Mont. 563, 17 Pac. (2) 60; *American Surety Company of New York v. Clarke*, 94 Mont. 1, 20 Pac. (2) 831), it is our opinion that the board may not provide justices of the peace with such supplies. See also: *Baker v. Board of County Commissioners of Okmulgee County*, 48 Okla. 737, 150 Pac. 714; *Board of County Commissioners of Arapahoe County v. Koons*, 1 Colo. 160; *Pacific Coal Company v. Silver Bow County*, 79 Mont. 323, 256 Pac. 386.