

Justice of the Peace, Fees Of. Fees, of Justices of the Peace.

Where a plea of guilty is entered in an action in which a justice of the peace has final jurisdiction, his total fees are \$2.50.

Where a justice of the peace acts as a committing magistrate and the accused waives examination, the justice is entitled to fees of \$2.50.

Fees of justice of the peace are enumerated in Section 3176, Revised Codes.

Sept. 6, 1911.

Hon. Henry Avare,
State Game and Fish Warden,
Helena, Montana.

Dear Sir:

I acknowledge receipt of your letter of the 1st inst., in which you request my official opinion concerning fees of justices of the peace where examination is made, or where a plea of guilty has been entered by the defendant and in which letter you state that some justices of the peace insist that they are entitled to five dollars in these instances, and hold out costs accordingly.

Section 3176 of the Revised Codes of 1907, provides for the fees of justices of the peace, and at the bottom of the page upon which said Section 3176 appears, are enumerated the fees of the justice of the peace in criminal actions.

“For all services rendered as a committing magistrate where examination is waived \$2.50

For all services rendered as a committing magistrate where a hearing takes place and witnesses are examined \$5.00

For all services rendered where there is a plea of guilty \$2.50

The above provisions are explicit and do not require any interpretation other than a careful reading of the same, and it is evident from this provision that where a plea of guilty is entered in an action in which a justice of the peace has final jurisdiction, his total fees are \$2.50. Also where, in a proceeding in which said justice of the peace acts as a committing magistrate and where the defendant waives examination, (that is, upon a plea of guilty as it is sometimes called) the justice of the peace would be entitled to only \$2.50.

Very truly yours,

ALBERT J. GALEN,

Attorney General.