

State Examiner, Authority to Examine Dockets. Authority of State Examiner, with Reference to Justice of the Peace. Justice of the Peace, Examination of Docket by State Examiner. Docket of Justice of Peace, Examination of by State Examiner.

Under the provisions of Section 209, Revised Codes, the State Examiner has authority to examine the dockets of Justices of the Peace.

July 30, 1915.

Hon. H. S. Magraw,
State Examiner,
Helena, Mont.

In reply to yours of even date herewith, wherein you state that: "This office is desirous of knowing whether or not it has the authority to make examination of the docket kept by the various Justices of the Peace?"

you are advised that you have such authority.

Sec. 209, Revised Codes, relating to the duties of the State Examiner, reads as follows:

"The duties of the State Examiner and his assistants are:

1. To examine at least once every year the books and accounts of the State Treasurer, * * * , and all other officers and boards whether temporary or permanent, however created, and for whatever purpose, having the control, management, collection or disbursement of any public moneys of any character or description."

A Justice of the Peace is, in a sense, a county officer. Upon the imposition of a fine, the money is paid in to him, and the law provides that such money shall then be paid into some certain fund and for a certain use. It is public money as soon as it is in the hands of a Justice of the Peace, and Sec. 8595, Revised Codes provides that

"If any clerk, Justice of the Peace, * * * who receives any fine or forfeiture, refuses or neglects to pay over the same according to law, and within thirty days after the receipt thereof, is guilty of misdemeanor."

There must be some method of checking up such officers in order to ascertain whether or not the law has been complied with.

You are, therefore, advised that you have the authority under the provisions of the above mentioned section, to examine the dockets of Justices of the Peace.

Yours very truly,

J. B. POINDEXTER,

Attorney General.