

**Counties — County Office—Officers — Justice of the Peace—Township—Bonds.**

A Justice of the Peace is a township officer and not a county officer.

The county is not required to pay the premium upon the bond furnished by a Justice of the Peace.

J. B. Tansil, Esq.,  
County Attorney,  
Billings, Montana.

My dear Mr. Tansil:

You have requested my opinion on the following questions:

1. "Is the office of Justice of the Peace a county office in this state?"
2. "Is it the duty of the County Commissioners to pay the premium on the surety bond of Justices of the Peace?"

Section 4725, Revised Codes of Montana, 1921, enumerates those officers who are officers of a county, and they are as follows: Treasurer, County Clerk, Clerk of District Court, Sheriff, Auditor, Attorney, Surveyor, Coroner, Public Administrator, Assessor, Superintendent of Schools and Board of County Commissioners.

Section 4726, R. C. M. 1921, enumerates the officers of a township, and they are two Justices of the Peace, two Constables, and such other inferior and subordinate officers as are provided for elsewhere in the Code or by the Board of County Commissioners.

It is, therefore, apparent that a Justice of the Peace is classified by the law as a township officer and not as a county officer.

Chapter 145 of the Session Laws of the Eighteenth Legislative Assembly amended Section 6236, R. C. M. 1921, but the amendment does not relate to the question you have submitted, it being to the effect that the premiums for bonds of deputies, clerks or subordinate officers, where a bond is required to be furnished by the principal or body appointing them, shall not be paid by the county. It does provide, as did Section 6236, that whenever an official bond is required of any "state, county or city officer," such officer may furnish a surety company bond and that the premium therefor shall be a proper charge against the state, county, or city, as the case may be.

It will be observed that township officers are not included within the statute, and, as a Justice of the Peace is a township and not a county officer, no provision is made by the law for the payment of the premium on his surety company bond by the county.

It is, therefore, my opinion that a Justice of the Peace is not a county, but is a township officer, and that the county is not required to pay the premium on the surety company bond of a Justice of the Peace.

Very truly yours,  
WELLINGTON D. RANKIN,  
Attorney General.