

## **Opinion No. 21-2924**

April 25, 1921

**BY:** A. M. EDWARDS, Assistant Attorney General

**TO:** Mr. Edmund R. French, Justice of the Peace, Gallup, New Mexico.

### **Constables May Serve Writs of Garnishment and Attachment Issued By Justice of the Peace.**

#### **OPINION**

{\*47} This office is in receipt of your letter of April 18th asking for an opinion on the legal capacity of a Constable to serve Writs of Garnishment and Writs of Attachment issued out of Justice of the Peace Courts.

Sections 3182 and 3183 of the 1915 Compilation provide that all process issued out of Justice of the Peace Courts shall be directed to the Sheriff or any Constable of the proper county and may be executed by either the Sheriff or Constable of the county in which the action is commenced. Section 3184 recites that the first process in an ordinary suit shall be a summons. Section 2552 provides that in the service of Writs of Garnishment, such writs and other process shall be served by the proper officer serving the summons when the writ is issued out of the Court of a Justice of the Peace.

While there does not seem to be any specific mention made in Article 6 of Chapter 65 of the 1915 Compilation as to how Writs of Attachment out of Justice Courts shall be served, it is our opinion the Constable has the right to make such service.