

**Opinion No. [29-42]**

October 5, 1929

**BY:** M. A. OTERO, JR., Attorney General

**TO:** Mr. Roy O. Campbell, Chairman, Board of County Commissioners, Albuquerque, New Mexico.

JUSTICE OF THE PEACE -- Fees collected from violators of speed laws.

**OPINION**

I have your favor of the 3rd inst. requesting an interpretation of the act of the last legislature which has a bearing on the Justices of the Peace receiving pay from fees imposed in their court on speeders.

In reply thereto will state that in the first place a precinct is a political subdivision of the State and the Justice of the Peace is a precinct officer.

Section 65 of Chapter 75 of the Laws of 1929 reads in part as follows:

"No city, town or village or other political subdivision of this state shall employ any police, judge, magistrate, **officer**, agent or other person, whose compensation shall in any way depend upon the arrest or conviction of any person or persons for violating the speed limit or other provision of this act, or of any ordinance of such city, town or village, or other political subdivision, with reference to the operation of motor vehicles therein."

It, therefore, necessarily follows that Justices of the Peace cannot be paid from fees collected in their court in any cases arising under this law.