

Opinion No. 39-3041

February 27, 1939

BY: FILO M. SEDILLO, Attorney General

TO: Mr. Alfredo M. Baca, Sandoval County Clerk, Bernalillo, New Mexico.

{*20} In your letter of February the 23rd you inquire as to the residence requirement of a justice of the peace and as to whether a person has to be a taxpayer to be eligible for the office of justice of the peace.

Section 79-202, Chapter 79, New Mexico Statutes, Annotated, 1929 Compilation, requires that every justice of the peace shall reside in the precinct for which he may be elected.

Residence, however, is mostly a matter of intention and if it is the intent of a person to reside in a certain precinct that is his legal residence. There is nothing in our statutes that provides that a justice of the peace be a taxpayer in order to hold office.

The District Court of the county in or for which the justice of the peace, if accused, is elected has sole jurisdiction in {*21} the matter, the county commissioners having nothing to do with the removal of justices of the peace.