

Opinion No. 14-1272

July 11, 1914

BY: FRANK W. CLANCY, Attorney General

TO: Mr. Julius Meyers, Tajiue, New Mexico.

TAJIQUE GRANT.

Only residence qualification of commissioner of Tajiue Grant is that he must have lived within the grant prior to his election.

OPINION

{*134} I have just received a letter from Tajiue, but the writer forgot to sign his name to it so that I am unable to reply, as he desires, {*135} by return mail. The letter was written July 6, but addressed to me at Albuquerque, so that it did not reach me until today. I have thought that I could write to you on the subject and you can let other people in the community know about my answer.

The writer of the letter says that there is some dispute as to whether one of the grant commissioners can hold that office after having gone to live outside of the grant and outside of the precinct in which the grant is situated. He says that the commissioners were elected in May of last year, from which I assume that they were elected under the provisions of Chapter 42 of the Session Laws of 1907. Section 4 of that act is the only one prescribing the qualifications of commissioners or trustees, and in that section is stated that no person shall be qualified to be a member of the board unless he is a qualified voter at general elections and for at least five years prior to his election shall have resided within the grant. This section was amended in 1913, but only so as to require at least four instead of five years residence prior to his election and that he should not be delinquent in the payment of any tax or assessment imposed upon him by the board of trustees. I do not find that it is required that after his election he shall continue to reside within the grant during his term of office, which is for two years. The only residence qualification appears to be as to his having lived within the grant prior to his election.

I believe, therefore, that a person who has moved out of the grant, unless he resigns, must be allowed to serve his term of two years.