

Opinion No. 14-1293

August 6, 1914

BY: H. S. CLANCY, Assistant Attorney General

TO: C. C. Royall, Esq., Assistant District Attorney, Silver City, New Mexico.

LIQUOR.

Justices of the peace have no power to punish for violation of the law regarding sale of liquor without a license.

OPINION

{*152} I have your letter of the 4th inst. regarding the question as to whether justices of the peace have jurisdiction to impose a fine upon persons who stand charged with selling liquor without a license. You say that you have searched our statute with a view to ascertaining whether such jurisdiction exists. I have done the same, and have arrived at the conclusion that justices of the peace have no jurisdiction in such cases. The most that they can do is to require a bond for the appearance of the accused before the district court to await the action of a grand jury or the filing of an information by a district attorney. If a statute could be found which confers jurisdiction upon a justice of the peace in all cases of misdemeanor, there could be no doubt that such justice would have power to impose {*153} a fine in a case like the one under consideration, but our statutes seem to specify the particular offenses over which the justice of the peace has jurisdiction, and this particular offense is not included in the list.