

Opinion No. 14-1333

September 19, 1914

BY: FRANK W. CLANCY, Attorney General

TO: Mr. Walter J. Byrnes, Care Fred Harvey, Buffet, El Paso, Texas.

HUNTING LICENSE.

Re-issuance of resident hunting license.

OPINION

{*196} I have just received your letter of the 17th inst. and upon your statement of the facts, I have no doubt that you are still to be considered a resident of New Mexico for all purposes, and entitled to a hunting license as such a resident.

As I understand, you were compelled, by medical advice, to leave Albuquerque last fall on account of your health, going to El Paso and leaving your home furnished which you rented, and that you were back in Albuquerque during the month of May.

The question of residence is largely a matter of a person's intention and a citizen does not lose his domicile by temporary absence from the state, even though that absence may be greatly prolonged. If it is your intention and desire to retain your residence and citizenship in New Mexico, it might be very embarrassing if you had consented to take a hunting license as a non-resident, and it might be difficult for you to exercise the right to vote, for instance.

There are thousands of persons employed in the government offices at Washington who return to the states from which they came at the elections in order to vote, although many of them have lived for long terms of years in Washington and have no actual place of abode in their states, but no one has ever dreamed of questioning their retention of residence and citizenship so that they could vote.