

**Opinion No. 15-1581**

July 13, 1915

**BY:** FRANK W. CLANCY, Attorney General

**TO:** Mr. J. B. Archuleta, La Jara, New Mexico.

**A justice of the peace can perform a marriage ceremony outside of his precinct.**

**OPINION**

{\*156} I have received your letter of the 8th instant asking me if a justice of the peace can perform any official duties outside of the precinct for which he was elected in the county, in celebrating a marriage or making application for marriage license.

I do not believe that there is any distinct statutory provision on this subject. By Section 3230 of the Compiled Laws of 1897, which is Section 3168 of the new codification, the jurisdiction of a justice of the peace is declared to be co-extensive with the limits of the county, but requires every justice of the peace to reside and have his office in his precinct. The next section in the new codification, which was Section 1 of Chapter 11 of the Laws of 1907, forbids any justice of the peace from trying any cause or holding his court out of his precinct. The prohibition seems to relate only to the holding of court, and my opinion is that a justice of the peace can perform a marriage ceremony outside of his precinct, and under Chapter 31 of the session laws of 1915 may receive applications for marriage licenses, which he must transmit to the county clerk.