

Opinion No. 16-1714

January 14, 1916

BY: H. S. CLANCY, Assistant Attorney General

TO: Mr. Elias Vigil, Justice of the Peace, Algodones, New Mexico.

Justice of the peace authorized to charge twenty-five cents for drawing affidavit in connection with issuance of license for a baile.

OPINION

{*287} I am just in receipt of your letter of the 13th instant referring to one addressed to you by the Attorney General on August 24, 1915, in which he stated that a justice of the peace could not make any charge for the issuance of a license to a person who desired to make a baile. This is correct. No charge can be made for the issuance of the license by the justice of the peace, but he is authorized under the provisions of Section 3282 of the codification of 1915, to demand and receive, from the person who receives a license to make a baile, the sum of twenty-five cents for drawing the affidavit referred to in Section 3316, or if the justice of the peace does not draw the affidavit, but merely swears a person to the same, the sum of fifteen cents.

The ten dollars collected by the justice of the peace from the person making the baile, should be at once turned over to the treasurer of the county.