

Opinion No. 21-3178

November 7, 1921

BY: HARRY S. BOWMAN, Attorney General

TO: Mr. Jose C. Garza, Justice of the Peace, Willard, New Mexico.

Costs in Justice of the Peace Courts in Civil Cases.

OPINION

{*95} Reply to your letter of the second instant, making certain inquiries concerning the matter of costs in justice courts in civil cases, has been delayed owing to my absence from the city for a period of two weeks.

Your inquiry involves the question as to whether a defendant, where judgment has been rendered against him in the justice of the peace court and he has taken an appeal to the district court, is compelled to pay over to the justice the costs assessed against him, which have been advanced by the plaintiff.

Until the final disposition of the case, the defendant is not required to pay any costs that have been advanced by the plaintiff, and the justice of the peace should retain the deposit made by the plaintiff until the case has been finally disposed of in the district court or Supreme Court.