

Opinion No. [29-44]

August 26, 1929

BY: J. A. MILLER, Assistant Attorney General

TO: C. J. Devereaux, Inc., P. O. Box 1067, Casper, Wyoming.

JUSTICE OF THE PEACE -- Not to be interested in collection agency. CONSTABLE -- Not to be interested in collection agency.

OPINION

In answer to yours of the 21st instant, asking information as to statutes of New Mexico pertaining to the collection of accounts by Justices of the Peace and Constables, you are advised that Sections 143 and 144 of the Act of February 5, 1889, as amended by Chapter 37 of the Session Laws of New Mexico 1919, are as follows:

"Sec. 143. No Justice of the Peace or Constable shall, directly or indirectly, buy or be interested in buying any bond, note or other demand, evidence of indebtedness or cause of action, for the purpose of commencing any suit thereon before a Justice of the Peace, nor shall any Justice of the Peace or Constable, either before or after suit, lend or advance or procure to be lent or advanced, any money or other valuable thing, to any person, in consideration of, or as a reward for, or inducement to, the placing or having placed in the hands of such Justice of the Peace or Constable any debt, demand, chose in action or cause of action, whatever, for prosecution or collection in any court presided over or attended in his official capacity, and no Justice of the Peace shall be interested in or operate a collecting agency, or collect, attempt to collect, or become interested in collecting any such claims or demands, or to receive any commission, percentage, fees or charges for any such collections made by himself or others, by or without suit, and no justice of the peace shall institute or influence any other person to institute any suit in court presided over by him, to enforce collection of such demands or claims."

"Sec. 144. Every justice of the peace or constable violating any provision of the foregoing section shall be deemed guilty of a misdemeanor and on conviction thereof before the district court shall be punished by a fine of not less than Twenty-five Dollars (\$ 25.00) and not more than One Hundred Dollars (\$ 100.00), or imprisonment for not less than thirty days nor more than ninety days, or by both fine and imprisonment, and by removal from, and forfeiture of right to, office."