

August 4, 1950

Mrs. Elda R. Probst
County Recorder
Navajo County
Holbrook, Arizona

Dear Mrs. Probst:

Reference is made to your telephonic request for our opinion on the following:

"Does the Justice of Peace at Showlow have jurisdiction as Justice of Peace to go to another precinct and, while beyond the territorial limits of the precinct in which he holds office, take the registration of electors?"

The office of Justice of the Peace is created by Article 6, Section 1, Arizona Constitution and the powers, duties and jurisdiction of the office are left to the legislature (Art. 6, Sec. 9, Ariz. Const.)

The legislature has seen fit to make the Justice of Peace a precinct officer (see Sections 17-504 and 20-101 ACA 1939) as distinguished from the county officers listed in Section 17-502 ACA 1939.

The general rule is that Justices of the Peace have a limited jurisdiction and that statutes prescribing their duties and fixing their jurisdiction are strictly construed.

Citizens Industrial Bank v. Lindsley,
99 Colo. 236, 61 Pac. 2d 587.

State v. Sestric, 349 Mo. 182, 159
S.W. 2d 786.

Aiello v. Yale Transport Corp., 21
N.Y.S. 2d 935.

State v. Vamos, 144 Ohio St. 628,
60 N.E. 2d 305.

Dennenburg v. Powers, 180 Okla. 404,
77 Pac. 2d 1142.

While this precise point has not been decided in Arizona, as to Justices of the Peace, our court has announced the rule of strict construction in determining the extent of powers and jurisdiction of inferior tribunals generally.

State v. Board of Supervisors, 14
Ariz. 222, 127 P. 727.

Johnson v. Betts, 21 Ariz. 365,
188 P. 271.

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While a Justice of the Peace has been granted jurisdiction to exercise the powers of his office outside his precinct in certain situations and under certain circumstances (i.e., as coroner - Section 17-1103 ACA 1939, and in event of sickness or disability of another Justice of the Peace - Section 20-205 ACA 1939), we have been unable to find any statutory provision extending the jurisdiction of a Justice of the Peace beyond the limits of his own precinct for purposes of registration.

It is therefore our opinion that the Justice of the Peace at Showlow has no jurisdiction by virtue of such office, to register electors while he is beyond the territorial limits of his own precinct.

Trusting the foregoing will answer your inquiry, we are

Very truly yours,

FRED O. WILSON
Attorney General

WILBERT E. DOLPH, JR.
Assistant Attorney General

WED, Jr.:mw
cc: Guy Axline
Holbrook, Arizona