

**Opinion No. 13-1040**

May 12, 1913

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

**TO:** Hon. James R. Waddill, District Attorney, Deming, N. M.

**DISTRICT ATTORNEYS.**

Expenses of district attorneys payable from court fund.

**OPINION**

{\*205} Some days since I received your letter of the fifth instant enclosing copy of another which you had written to Mr. Remley on the subject of expenses of district attorneys and the fund from which the same shall be paid. I agree with you that under provisos in Section 1 of the act which is printed as Chapter 54 of the Laws of 1913, all such expenses must be paid from the court fund of each county. I can see no way of interpreting the words used to mean anything else.

As to whether traveling expenses included hotel bills or not, my impression is like yours. To hold otherwise would be on the theory that hotel bills were not expenses added to the burden of the district attorney on account of his being away from home as he would have to eat and be lodged somewhere whether at home or away therefrom, but as a matter of fact a man's household expenses continue at home ordinarily about the same whether he is personally there or not. It {\*206} is a fact, however, that in the bill as introduced there was some language to indicate that traveling expenses included hotel bills, and those words were stricken out. It might be argued that this indicates an intention not to pay hotel bills, but it might with equal force be argued that the words were stricken out because they were superfluous. I am of opinion that in this act traveling expenses should be considered to include hotel bills.