

Opinion No. 14-1281

July 24, 1914

BY: IRA L. GRIMSHAW, Assistant Attorney General

TO: Mr. Elias Francis, Seboyeta, New Mexico.

ROADS.

Money coming into the hands of a former road supervisor should be turned over to county road board.

OPINION

{*141} We are in receipt of your letter of the 21st inst. asking our opinion as to whether or not certain moneys which came into your hands by virtue of your position as road supervisor may be used in repairing roads and bridges. We understand from your letter that the roads and bridges, which you wish to repair, have been recently washed out and that the people within your district, who are subject to a road tax, have paid their taxes either in cash or by work.

We have attempted to ascertain whether or not you are a member of the county road board. Our information left us with the impression that you were not. In 1912 the legislature, by Chapter 54 of the Session Laws of that year, abolished the position of road supervisor and transferred the duties of that officer to the members of the county road board. Therefore, you could not use the money which came into your hands by virtue of the office of road supervisor, but that money should be turned over to the members of the county road board. They, no doubt, could expend this money in the repair or maintenance of roads and bridges as seem best in their discretion.