

## Opinion No. 15-1500

April 21, 1915

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

**TO:** Hon. Alexander Read, District Attorney, Santa Fe, N. M.

**Salaries of assistant district attorneys.**

### OPINION

{\*84} I have received your letter of even date herewith asking my opinion in writing as to the proper construction of the proviso in Section 8 of Chapter 54 of the Laws of 1913.

The act referred to is the one relative to salaries of district attorneys which provides the salaries of the several district attorneys in substantially the same language for each judicial district, varying only in the amounts of money mentioned. As to your district, it is provided that the salary shall be "Three Thousand Dollars per annum with One Thousand Dollars for one or more assistants." The proviso to which you refer reads as follows:

"Provided, that the sums designated as salaries for the assistant or assistants in the several districts shall be payable direct to the several district attorneys from the date of their qualification to the date of the approval of this act, and thereafter said sums shall be payable direct to said assistant or assistants."

My understanding of the meaning of this proviso, taking your district as an example, is that you are entitled to receive One Thousand Dollars per annum in addition to the Three Thousand Dollars of your own salary, from the date of your qualification as district attorney to the date of the approval of the act and that this is entirely irrespective of the fact of whether you actually had any assistant or not or if you agreed to pay, or have actually paid, more or less than One Thousand Dollars per annum to assistant or assistants. After the approval of the act the thousand dollars allowed for one or more assistants must be paid direct to such assistant or assistants.