

Opinion No. 15-1708

January 8, 1915

BY: FRANK W. CLANCY, Attorney General

TO: Mr. E. D. Tittman, Hillsboro, New Mexico.

Purchase of wild animal bounty warrants by a county official is a speculation prohibited by Sec. 1677 of the Codification.

OPINION

{*279} I have just received, this afternoon, your letter of the 6th inst. and the suggestions which you make as to the meaning of Section 1860 of the codification appear to me to require some careful consideration, which we will give to them and write you again as soon as we reach a definite conclusion. I am inclined to be more careful about this because the idea which you set out is contrary to my preconceived opinion as to the meaning of that section, but I am not at all sure that I have been right.

As to the two other matters of which you speak, I think that they are easily settled. I think that Section 1178 which requires quarterly reports from precinct and county officers, may be considered as repealed in part only, by Section 8 of Chapter 12 of the Laws of 1915, so far as county officers are concerned, but that it is left in full force as to precinct officers.

You say that a question has arisen whether or not the purchase of wild animal bounty warrants is a speculation or a purchase, barter or deal in certificates, warrants or other evidence of indebtedness within the meaning of Section 1677 of the codification. I believe that that section was intended to include every sort of evidence of county indebtedness and I cannot imagine any reason for holding that the wild animal bounty warrants are to be excepted from its operation. The wild animal bounty is an indebtedness of the county as much as any other debt and the only difference in the legislation on that subject and that relating to other indebtedness, is that when there are not sufficient funds in the wild animal bounty fund to pay the bounties on scalps or skins presented, the county clerk is to issue receipts to the persons presenting the same and the county commissioners are to issue bounty warrants to take up the receipts as funds come into the wild animal bounty fund. Other indebtedness which cannot be paid out of the funds of the current year, becomes entirely void under the provisions of the Bateman act, except so far as taxes belonging to that current year may afterwards be collected. This difference, however, does not change the character of the indebtedness as one of the county, and the receipts so issued must be considered as an evidence of indebtedness.