

## Opinion No. 16-1768

March 31, 1916

**BY:** H. S. CLANCY, Assistant Attorney General

**TO:** A. G. Whittier, State Traveling Auditor, Santa Fe, New Mexico.

**County treasurer should pay coupons detached from bonds upon presentation to him, without waiting for an order of the county commissioners so to do.**

### OPINION

{\*339} I am in receipt of your letter of the 17th instant asking for the opinion of this office as to whether a county treasurer, upon the presentation to him for payment of coupons detached from bonds issued by the county, should immediately pay the same or wait until the county commissioners ordered the issuance of a warrant to provide money for such payment.

It is the opinion of this office that upon presentation of such coupons, a county treasurer should immediately redeem the same. Should he wait until a meeting of the board of county commissioners to authorize the issuance of a warrant for the payment of the coupons, the county would be left in the position of defaulting in the payment of interest upon its bonds, which would be highly discreditable. A careful examination of the statute in regard to the issuance, payment of interest and redemption of county bonds, reveals the fact that in only one class of county obligations, those being highway and bridge bonds, referred to in Sec. 2688, Codification of 1915, is a provision made that both principal and interest upon such bonds are to be paid upon warrants drawn by the board of county commissioners upon the county treasurer. As before stated, in regard to other county bonds, there seems to be no specific direction {\*340} as to how they shall be paid, but in any event, the interest should be paid promptly so that there can be no suggestion of default. As I understand from you, this practice has been followed in the past by all county treasurers, which this office believes is the correct proceeding. In the case of highway and bridge bonds which the law requires shall be paid upon warrants, it would seem that the treasurer might pay the interest coupons immediately upon presentation, and thereafter, at a meeting of the county commissioners, secure from them the issuance of a warrant to cover the payments made by him, and that this procedure should be followed so far as all other county bonds are concerned.