

**Opinion No. 17-2001**

June 12, 1917

**BY:** HARRY L. PATTON, Attorney General

**TO:** Hon. W. G. Sargent, Auditor, Santa Fe, New Mexico.

Appropriation of \$ 1500 to A. A. Sedillo for Translation of 1915 Code Is Invalid

**OPINION**

I am writing this letter in confirmation of the views expressed by me in our conversation a few days ago. The question involved is as to the constitutionality of Chapter 28, Laws 1917.

The following is a paragraph and an item of Chapter 86, Laws of 1915, the same being the general appropriation bill passed at that session of the legislature:

"For translating into Spanish, under the supervision of A. A. Sedillo, of the Codification of the Laws of New Mexico adopted at this session \$ 2,000."

Section 1 of Chapter 28, Laws of 1917, reads as follows:

"There is hereby appropriated the sum of One Thousand Five Hundred (\$ 1,500.00) Dollars to be paid to A. A. Sedillo on account of expenses sustained and extra work done and services performed by him in connection with the translation and preparation for publication of the Spanish edition of the 1915 Codification of the Laws of New Mexico; and the State Auditor is directed to draw his warrant therefor, payable out of any funds in the treasury not otherwise appropriated."

Section 2, the only other section of the Act, is the stereotyped form of emergency clause.

I call attention to the fact that the title of the Act is much broader and more comprehensive than the text of the Act itself, and contains the following language which is not supported by the Act itself:

"and other printed matter contained in the Spanish edition of the New Mexico Statutes, Annotated, Codification of 1915, including the prefatory matter, annotations, code and indexes in said volume contained and other than the 1915 Session Laws."

The reading of these two acts naturally calls to mind Article 4, Section 27, of the Constitution of New Mexico, which contains the following provision:

"No law shall be enacted giving any extra compensation to any public officer, servant, agent, or contractor after services are rendered or contract made."

I doubt if it might be properly said that Mr. Sedillo was a public officer. I do think, however, that he would come within the classification of "servant, agent or contractor." The Act of 1917 recites that the sum of \$ 1,500 appropriated was for extra work done and services performed by him in connection with the same subject referred to in the appropriation bill of 1915. It is a matter of common knowledge that the Codification of 1915 has already been translated into Spanish and published; then, unquestionably, the services have already been rendered, or, if a contract were ever made between Mr. Sedillo and the State, it is now a thing of the past. In my opinion, the Act of 1917 referred to violates the provisions of Article 4, Section 27 of the Constitution of New Mexico.

NOTE: -- The views expressed in the above letter were not confirmed in State, ex rel. Sedillo vs. Sargent, 23 N.M. 171 Pacific 790.