

Opinion No. 21-3067

July 27, 1921

BY: HARRY S. BOWMAN, Attorney General

TO: Mr. Juan Valdespino, Deming, New Mexico.

Approval by District Attorney of Claim for Interpreters in Justice of the Peace Court.

OPINION

{*79} In reply to your letter of the 26th instant, asking if a claim for fees as interpreter in the court of the justice of the peace must be approved by the District Attorney before it can be paid by the Board of County Commissioners, I would advise you as follows:

The authority to employ an interpreter and the provisions governing the compensation and payment thereof are contained in sections 3199 to 3201, Code 1915.

Justices of the Peace are authorized to employ interpreters and to pay them at the rate of \$ 2.00 per day and such fees are to be paid for by the party adjudged to pay the costs in the cause. If your letter refers to a criminal case in which you acted as interpreter, and the costs were assessed against the defendant, then it would be necessary for you to make your collection from such defendant; upon the other hand, if the costs were assessed against the county, then you would be authorized to collect your fees from the county in the same manner as other costs are paid by the Board of County Commissioners.

I do not understand that it is necessary for the District Attorney to approve the claim, but I would think that it would be necessary for the justice of the peace to attach his approval to the account before it could be allowed by the Board of County Commissioners.