

**Opinion No. [29-18]**

September 28, 1929

**BY:** M. A. OTERO, JR., Attorney General

**TO:** Mr. P. A. Smoll, Supt., New Mexico School for the Blind, Alamogordo, New Mexico.

COUNTY OFFICERS -- Sheriff escorting pupil to School for the Blind.

**OPINION**

I have your favor of the 23rd inst. requesting an opinion as to whether or not county sheriffs may be expected to send escorts with pupils from their counties to your school when an escort is needed, and whether or not this service is such a part of the legal duties of the county officers as will require the expense thereof to be met from county funds.

In reply thereto will state that Section 2 of Chapter 33 of the Laws of 1915 provides that the Superintendent of the Institute for the Blind, out of the appropriation made for the institute, shall pay for the transportation of such children to and from the institution, whenever the parents, guardian or person having them in charge shall be unable to do so.

When this was passed by the legislature they would necessarily have in mind all of the circumstances in connection with such transportation and the necessity of some one accompanying such child, and under the rule of interpretation of statutes used by our court, to the effect that the intent of the legislature must prevail, regardless of the exact wording of the statute, I think it is plain that any expense in connection with the transportation, which is necessary, such as the expense of some one accompanying the child, is a legitimate allowance under this statute, and that it should be paid out of such appropriation. Taking into consideration the further rule that where a method is provided it is exclusive of all others, I am of the opinion that the County Commissioners would not be authorized to pay the sheriff or any other person for such services.