

**Opinion No. 37-1769**

September 28, 1937

**BY:** FRANK H. PATTON, Attorney General

**TO:** Mr. J. O. Gallegos State Comptroller Santa Fe, New Mexico. Attention: Mr. C. R. Sebastian, Chief Assistant.

{\*163} Your letter of September 27, requesting an opinion with reference to Sections 34-312 and 34-316, New Mexico Statutes Annotated, 1929, has been received.

It has always been the practice to consider all expenses incurred in the actual conduct of the court, including the meals and accommodations {\*164} for jurors, as well as extra deputies, provided by Section 34-312 and Section 34-316, as court expenses. Section 34-306 provides for the payment of court expenses from the court fund, upon written allowance by the court. This gives the courts unhampered control over the administration of justice in the courts.

It is my opinion, therefore, that although the statute charges the sheriff with seeing that the meals, accommodations for jurors and the services of deputies are furnished, payment therefor is made out of the court fund upon written allowance by the district judge. I am quite sure that an examination of the budgets in each county will disclose that no provision has been made for such expenses except in the budget for the court fund.

By: A. M. FERNANDEZ,

Asst. Atty. Gen.