

Opinion No. 39-3373

December 29, 1939

BY: FILO M. SEDILLO, Attorney General

TO: Mr. C. R. Sebastian, State Comptroller, Santa Fe, New Mexico.

{*130} In your letter of December 28th you ask whether or not traveling expenses of county sheriffs should be approved by the district judge before the county commissioners may issue a warrant on same.

Section 33-3203, New Mexico Statutes, Annotated, 1929 Compilation, which relates to the traveling expenses of peace officers and prisoners, is self-explanatory in that it provides that such expenses shall be paid only upon the rendition of itemized, sworn accounts filed in the county clerk's office, approved by the county commissioners and district judge.

It is my contention that under Section 33-3203, both the county commissioners and the district judge have to approve the expenses incurred by the county sheriffs.