

ATCHISON, T. & S. F. RY. V. STATE, 1918-NMSC-011, 23 N.M. 585, 170 P. 44 (S. Ct. 1918)

ATCHISON, T. & S. F. RY. CO.

vs.

STATE.

No. 2115.

SUPREME COURT OF NEW MEXICO

1918-NMSC-011, 23 N.M. 585, 170 P. 44

January 08, 1918, Decided

Appeal from District Court, Socorro County; Mechem, Judge.

Proceeding by the Atchison, Topeka & Santa Fe Railway Company against the State of New Mexico. Judgment for plaintiff, and defendant appeals. Dismissed.

See, also, 165 P. 215.

SYLLABUS

SYLLABUS BY THE COURT.

An appeal does not lie to this court from a judgment rendered by a district court in proceedings instituted under section 5475, Code 1915.

COUNSEL

Milton J. Helmick, Asst. Atty. Gen., for the State. W. C. Reid, C. M. Botts, and George S. Downer, all of Albuquerque, for appellee.

JUDGES

PARKER, J. HANNA, C. J., and ROBERTS, J., concur.

AUTHOR: PARKER

OPINION

{*586} {1} OPINION OF THE COURT. PARKER, J. This is an appeal by the state of New Mexico from a judgment rendered by the district court in proceedings instituted under section 5475, Code 1915. In the case of In re Rosenwald Bros., a corporation, 23

N.M. 578, 170 P. 42, we held that an appeal did not lie in such cases from the judgment of the trial court. The appeal herein will therefore be dismissed; and it is so ordered.

HANNA, C. J., and ROBERTS, J., concur.