

**BACA V. PARKER, 1906-NMSC-034, 13 N.M. 466, 87 P. 465 (S. Ct. 1906)**

**LEANDRO BACA, Relator,  
vs.  
FRANK W. PARKER, Judge, etc., Respondent**

No. 1175

SUPREME COURT OF NEW MEXICO

1906-NMSC-034, 13 N.M. 466, 87 P. 465

October 27, 1906

WRIT OF PROHIBITION.

**COUNSEL**

Chas. A. Spiess, and E. W. Dobson, for relator.

Wm. C. Reid, Attorney General, for respondent.

**AUTHOR: PER CURIAM**

**OPINION**

{\*466} OPINION OF THE COURT.

{1} The court in this case considers itself bound by its former decisions to the effect that in this Territory, the commission of the governor, in a case where he has the power to appoint, must be recognized until resort is had to a trial of title to the office in question in a proceeding by quo warranto. Such being the case, this court will decline to issue a peremptory writ of prohibition, under the order to show cause which has just been argued.

{\*467} {2} The issuing of the peremptory writ of prohibition is denied.

William J. Mills,

Chief Justice, Etc.