

WEATHERILL V. ELMER, 1907-NMSC-009, 14 N.M. 45, 88 P. 1133 (S. Ct. 1907)

**MARIETTA P. WEATHERILL, Appellee,
vs.
JAMES E. ELMER, Sheriff, Etc., Appellant**

No. 1138

SUPREME COURT OF NEW MEXICO

1907-NMSC-009, 14 N.M. 45, 88 P. 1133

February 25, 1907

Appeal from the District Court for San Juan County, before John R. McFie, Associate Justice.

COUNSEL

F. C. Perkins and P. G. Ellis, Attorneys for Appellant.

Granville Pendleton, J. M. Palmer and E. C. Abbott, Attorneys for Appellee.

JUDGES

Mann, J.

AUTHOR: MANN

OPINION

OPINION OF THE COURT.

{1} The facts in this case are the same as in No. 1137, Frederick E. Hyde, Jr., v. James E. Elmer, sheriff, the only difference being in the name of the parties and the value and description of the property involved. In all other respects the facts are identical.

{2} The trial court rendered judgment in this case for appellee in the sum of four hundred dollars (\$ 400.00), same being the value of the property as found by the jury.

{3} The cause will be affirmed upon the filing of a remitter in the sum of three hundred and ninety-nine dollars (\$ 399.00) with the clerk of this court within thirty days, otherwise it will be reversed and remanded for further proceedings in conformity to the opinion in Hyde v. Elmer, No. 1137.