

1897. <sup>c</sup>

COMPILED LAWS  
OF  
NEW MEXICO.

IN ACCORDANCE WITH AN ACT OF THE LEGISLATURE,  
APPROVED MARCH 16TH, 1897.

INCLUDING THE CONSTITUTION OF THE UNITED STATES, THE TREATY  
OF GUADALUPE HIDALGO, THE GADSDEN TREATY, THE ORIGINAL  
ACT ORGANIZING THE TERRITORY, THE ORGANIC  
ACTS AS NOW IN FORCE, THE ORIGINAL KEARNY  
CODE, AND A LIST OF LAWS ENACTED SINCE  
THE COMPILATION OF 1884, AS WELL  
AS THOSE IN THAT WORK.



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SANTA FE, NEW MEXICO:  
NEW MEXICAN PRINTING COMPANY, PRINTERS AND BINDERS.  
1897.

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tailed statement of the condition of the treasury.

SEC. 7. The treasurer shall grant duplicate receipts under the seal of his office, for all sums of money which shall be paid into the treasury, and the person receiving the same shall deposit one with the auditor, who shall credit such person accordingly and charge the treasurer.

SEC. 8. If the auditor or treasurer shall willfully neglect or refuse to perform any duty enjoined by law, or shall be guilty of any oppression or extortion in the performance of any legal duty, he shall forfeit to the territory any sum not exceeding one thousand dollars, to be recovered by indictment.

SEC. 9. The prefect of each county shall appoint a treasurer therefor; and when a vacancy occurs in the office, shall fill the same.

SEC. 10. So soon as he is appointed, the treasurer shall enter into a bond to the county in such sum, and with such securities, residents of the county, as shall be approved by the prefect conditioned for the faithful performance of the duties of his office.

SEC. 11. He shall keep a just account of all moneys received, and disbursed, and regular abstracts of all warrants drawn on the treasurer and paid; he shall make duplicate receipts in favor of the proper person for money thereto pertaining, ready for inspection of the prefect at all times.

SEC. 12. As often and in such manner as may be required by the prefect, he shall furnish an account of the receipts and expenditures of the county.

SEC. 13. He shall at least once in every year settle his accounts with the prefect and at the close of the term for which he was appointed, the prefect shall immediately proceed to ascertain by actual examination and count the amount of balances and funds in the hands of such treasurer, and to what particular fund it belongs. If any county treasurer should die, his executor or administrator shall immediately settle his accounts as treasurer with the prefect, and deliver to his successor in office all things pertaining thereto.

SEC. 14. All collectors, sheriffs, clerks, constables and other persons chargeable with moneys belonging to any county, shall render their accounts to settle with the court of the prefect at the stated term thereof, pay into the county treasury any balance which may be due the county, take duplicate receipts therefor and deposit one of the same with the clerk of the prefect within five days thereafter.

SEC. 15. It shall be the duty of the clerk of the prefect to keep regular accounts between the treasurer and the county, to keep just accounts between the county and all persons chargeable with money payable into the county treasury, or who may be-

come entitled to receive pay therefrom. To file and preserve in his office all accounts, vouchers, and other papers pertaining to the settlement of any account to which the county shall be a party, to issue warrants on the treasury for all moneys ordered to be paid, to keep an abstract thereof, to present the same to the court of the prefect at every regular term thereof, balance and exhibit the accounts kept by him, so often as required by the prefect, and keep his books and papers ready at all times to be inspected by the prefect.

SEC. 16. It shall be the duty of all clerks to keep just accounts of all fines, penalties, and forfeitures, the judgments rendered, imposed or accruing in favor of any county, or of the territory, ready at all times for the inspection of the judge of their respective courts.

SEC. 17. It shall be the duty of the circuit court and the court of the prefect at each term thereof to settle with the sheriff of the county for which courts are holden, for all money by them received, or which they ought to have collected for the use of their respective counties, or the territory, and have not before accounted for; they shall cause their clerks to make out a list of all sums chargeable to said sheriffs and payable to the counties or territory, specifying on what account or cause, the same to be certified to the clerk of the prefect, or the auditor of the territory as the case may require.

SEC. 18. It shall be the duty of each alcalde, at each term of the court of the prefect to make out a list of all fines by him imposed to the use of the county, stating the name of the officer who has or ought to have collected the same, which he shall certify and deliver to the clerk of the prefect who shall charge the same accordingly.

SEC. 19. Every sheriff, collector, clerk, constable or other person chargeable with money belonging to any county, who shall fail to pay the same into the county treasury, without delay, shall forfeit two and a half per centum per month, on the amount wrongfully withheld, to be computed from the time the amount ought to have been paid until actual payment.

SEC. 20. No sheriff, collector, constable, clerk, or deputy thereof, shall be eligible to the office of county treasurer.

SEC. 21. Each prefect shall have power to audit and adjust, and settle all accounts to which his county shall be a party, to order payment out of the county treasury of any sum of money found due by the county, and to allow the clerk and the treasurer of the county for their respective services under this law, such compensation as he may deem just and reasonable.

#### WATER COURSES, STOCK MARKS, ETC.

SECTION 1. The laws heretofore in force

concerning water courses, stock marks, and brands, horses, enclosures, commons, and arbitrations shall continue in force except so much of said laws as require the ayuntamientos of the different villages to regulate these subjects, which duties and powers are transferred and enjoined upon alcaldes and prefects of the several counties.

#### WITNESSES.

SECTION 1. In all cases where witnesses are required in any cause pending in any court having a clerk, such clerk, and in all other cases the person holding the court, shall issue a subpoena for such witnesses, stating the day and place, when and where the witnesses are to appear.

SEC. 2. Such subpoenas shall contain the names of all witnesses for whom a sum-

mons is required by the same party at the same time in the same cause, who reside in the same county, and may be served in any county in this territory in the same manner as a citation or a summons for a defendant.

SEC. 3. A witness summoned in any cause pending in any court, and failing to attend may be compelled to appear by writ of attachment against his body, which may be served in any county in this territory.

Done at the government house in the City of Santa Fe, in the Territory of New Mexico, by Brigadier General S. W. Kearny, by virtue of the authority conferred upon him by the government of the United States.

S. W. KEARNY,

Brig. Gen., U. S. A.

September 22nd, A. D., 1846.