

**Opinion No. 54-6011**

September 3, 1954

**BY:** RICHARD H. ROBINSON, Attorney General

**TO:** Mr. Edward M. Hartman State Comptroller Santa Fe, New Mexico

{\*475} In your letter dated September 3, 1954, you transmit a letter from the County Manager of Bernalillo County, seeking a clarification of Chapter 137, Laws of 1953, creating Small Claims Courts with particular references to the disposition of receipts and payment of expenses and salaries.

Section 2 of this Act, provides as follows:

"Such courts shall be maintained at the expense of the counties in which they are hereby established. All receipts of such courts shall be paid to the county treasurer as hereinafter provided. The principal seat of the small claims courts shall be in the county seat of the county wherein it is established. The Board of County Commissioners shall provide in one central location suitable accommodations, equipment, library, supplies, as may be necessary in the due operation of the court."

The Act fixes the salary of the judge of said Court and further provides that the Board of County Commissioners shall fix the salaries of the clerk, deputy clerk and bailiffs. In view of the fact that the law specifically provides for receipts to be paid to the County Treasurer, and that the Court shall be established and maintained at the expense of the counties, it is our opinion that it was the intention of the Legislature that all receipts of such Courts be paid into the General County Fund and expenses thereof be paid by the County Commissioners from such County Funds.

By: C. C. McCulloh

Assist. Attorney General