

**Opinion No. 12-885**

April 25, 1912

**BY:** FRANK W. CLANCY, Attorney General

**TO:** Hon. Howell Earnest, Traveling Auditor, Santa Fe, N. M.

**LINCOLN COUNTY BONDS.**

Money received for Lincoln County Bonds issued to Socorro County should go into the general county fund.

**OPINION**

{\*27} Referring to the question asked of you in the letter from Max H. Montoya, Treasurer and Collector of Socorro County, as to what should be done with the money received from the Lincoln County bonds issued to Socorro County under Chapter 112 of the Laws of 1909, I have to say that there appears to be nothing in the statutes on this subject, and as a consequence the money must go to the general county fund, and would be under the control of the Board of County Commissioners. Mr. Montoya says he has been under the impression that such money must be used to pay outstanding bonds of Socorro County, and undoubtedly this impression has a reasonable foundation in the language of Section 2 of Chapter 78 of the Laws of 1909. That section provides that the proceeds of the sale of bonds, such as these now under consideration, "shall be used exclusively for the purpose of reducing the bonded indebtedness of such county," but that whole act was annulled by Congress, and is no longer in force. The complaint really was only as to the provisions in Section 1, and Congress might have annulled that section without touching the other one, but the whole act was abrogated.

I return Mr. Montoya's letter herewith.