

**BOARD OF COUNTY COMM'RS V. GARDNER, 1933-NMSC-077, 37 N.M. 514, 24
P.2d 1104 (S. Ct. 1933)**

**BOARD OF COUNTY COMMISSIONERS OF QUAY COUNTY, New Mexico,
Appellees,
vs.
Terry GARDNER, Appellant**

No. 3778

SUPREME COURT OF NEW MEXICO

1933-NMSC-077, 37 N.M. 514, 24 P.2d 1104

September 06, 1933

Appeal from District Court, Quay County; Harry L. Patton, Judge.

COUNSEL

Carl A. Hatch, of Clovis, for appellant.

J. C. Compton, of Portales, E. M. Grantham, of Clovis, and James L. Briscoe, of Tucumcari, for appellees.

JUDGES

Zinn, Justice. Watson, C. J., and Sadler and Bickley, JJ., concur. Hudspeth, Justice, dissenting.

AUTHOR: ZINN

OPINION

{1} The issues presented in this case are identical with those presented and decided in the case of Board of County Commissioners v. Wasson, 37 N.M. 503, 24 P.2d 1098, except in the amounts awarded. In this case the original award was \$ 70, and the final award \$ 900.

{2} The decision in the case of Board of County Commissioners v. Wasson, supra, and the rules of law announced therein, are adhered to and approved as the law in this case. For the reasons therein stated, this cause must be reversed and remanded, with instructions to deny the appellees' motion to vacate and reinstate the final judgment entered for appellant.

{3} It is so ordered.

DISSENT

HUDSPETH, Justice.

{4} I dissent.