

CARMAN V. BOARD OF COMM'RS, 1927-NMSC-069, 32 N.M. 517, 259 P. 821 (S. Ct. 1927)

CARMAN et al.
vs.
BOARD OF COMMISSIONERS OF MCKINLEY COUNTY et al.

No. 3210

SUPREME COURT OF NEW MEXICO

1927-NMSC-069, 32 N.M. 517, 259 P. 821

September 21, 1927

Appeal from District Court, McKinley County; Holloman, Judge.

Suit by J. M. Carman and others against the Board of County Commissioners of McKinley County and others for an injunction. From a judgment for defendants. plaintiffs appeal.

SYLLABUS

SYLLABUS BY THE COURT

This court will not decide moot questions.

COUNSEL

George C. Taylor, of Albuquerque, for appellants.

H. C. Denny, of Gallup, and Simms & Botts, of Albuquerque, for appellees.

JUDGES

Parker, C. J. Bickley and Watson, JJ., concur.

AUTHOR: PARKER

OPINION

{*518} {1} OPINION OF THE COURT A suit for injunction was brought by the appellants against the board of county commissioners to enjoin the issuance of bonds of the county for the purpose of obtaining funds for the construction and repair of roads and bridges in the county. The court below denied the injunction, and the appellants brought

the case here by appeal. Since that time it is made to appear by the appellees that the said bonds have been sold, and the proceeds thereof have been received by the county. A showing is attempted to be made by one of appellants that the sale of said bonds has not been effected, but the showing is so vague and uncertain that it is not entitled to consideration.

{2} It follows that the question in the case as to the power and authority of the county commissioners to issue these bonds has become moot and requires no consideration by this court. See *Yates v. Vail*, 29 N.M. 185, 221 P. 563.

{3} It follows from the foregoing that the appeal should be dismissed on the motion of appellees, and the cause remanded, and it is so ordered.