

**Opinion No. 56-6557**

December 6, 1956

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

**TO:** Lt. General Hobart R. Gay, Superintendent, New Mexico Military Institute, Roswell, New Mexico

Thank you for your inquiry dated November 20, 1956, concerning the authority of the New Mexico Military Institute to offer security for payment of losses of Government property loaned to the New Mexico Military Institute for ROTC purposes.

We understand the authority has been questioned by the Fourth Army Headquarters in light of the fact that no specific authorization to assure this purpose is specifically included in the New Mexico statutes.

Chapter 73, Article 30, § 15, N.M.S.A., 1953, is here quoted in toto:

"Power to hold property. -- All of the said institutions, including the New Mexico Military Institute, shall be entitled to receive all the benefits and donations made and given to similar institutions of learning and charity in other states and territories of the United States, by the legislation of the Congress of the United States, or from private individuals or corporations, and for the benefit of said institutions they shall have power to buy and sell or lease or mortgage realty, and do all things that, in the opinion of the several boards, will be for the best interest of said institutions, and are in the line of its object."

It is the opinion of this office that doing those things in connection with the acquisition or the use of ROTC property is definitely for the best interest of said institutions and are in the line of its object. Consequently, if the managing board believes this project to be in the line of its object, we believe the authority to accomplish the same is invested in the board. This office further believes that your institution may offer its bond without commercial surety.

By Howard M. Rosenthal

Assistant Attorney General