

Opinion No. 13-1124

October 22, 1913

BY: FRANK W. CLANCY, Attorney General

TO: Robert P. Ervien, Commissioner of Public Lands, Santa Fe, New Mexico.

CONTRACT FOR DISPOSAL OF TERRITORIAL LANDS.

Contracts for disposal of territorial lands made prior to admission of state, are valid.

OPINION

{*306} Referring to the matter of contracts as to the disposal of territorial lands which now belong to the state, made before the admission of the territory to statehood, which were authorized by law and valid at the time when made, concerning which you have asked my {*307} opinion, there can be no doubt that they should be respected and performed although it may also be true that they could not now be entered into under the provisions of law at present in force. It cannot possibly be the fact that contracts, under which parties have acted and have thereby acquired valid rights, can be divested by any change in the laws. It cannot be that you could properly disregard or attempt to set aside such contracts as long as the contracting parties are not in such default as to have lost their rights under the terms of the contracts themselves.