Opinion No. [29-22]

August 20, 1929

BY: J. A. MILLER, Assistant Attorney General

TO: Mr. Bob Stevenson, Assistant Post Master, Santa Fe, New Mexico.

COUNTY LINES -- Constitutional limitations as to changes.

Art. IV. Sec. 24, Const.

OPINION

In response to your inquiry in re attempted changes in the counties of Catron, Rio Grande and Socorro, I have to advise as follows:

Chapter 185 of the New Mexico Session Laws of 1927 is entitled:

"An Act creating the County of Rio Grande and providing for the government thereof, and the payment of its indebtedness, and abolishing the County of Catron, and changing the north boundary lines of the County of Grant, and providing for the ascertainment and payment of the indebtedness of said County of Catron."

The act of the Legislature was attacked on constitutional grounds and in a decision handed down by the Supreme Court of the State of New Mexico, April 3, 1928, reported in 270 Pac. p. 897, we find as part of the syllabus,

"Chapter 185, Laws of 1927, attempting to abolish Catron County and to distribute its territory between the existing county of Grant and a county to be named "Rio Grande," embracing the remainder of Catron county and all of the existing county of Socorro, is void, being violative of Construction, art. 4, sec. 24, prohibiting the passage of local or special laws "changing county lines, except in creating new counties."

Chapter 186 of the Session Laws of 1927 was an act changing the name of the county of Rio Grande to the county of Socorro, etc.

This of course, after the decision above mentioned became of no effect in that the county of Rio Grande never existed legally, hence could not be changed to the county of Socorro.

By Chapter 134 of the Session Laws of 1927 the State Engineer was authorized and directed to survey the boundary between Socorro and Valencia Counties in accordance with the acts creating such boundary. I do not know whether such survey was made nor whether if made it resulted in any change of post office addresses.