

## Opinion No. 31-81A

March 10, 1931

**BY:** Frank H. Patton, Asst. Att'y General

**TO:** Mr. D. W. Thornberg, Assistant State Highway Engineer, Santa Fe, New Mexico.

{\*50} In your letter of March 7th, you make inquiry as to whether or not you can legally make a trade of certain highway equipment, for equipment owned by Eddy County, and you refer to letter dated March 3rd, from B. F. Kelly, District Engineer which specifically mentioned one Havelock Maintainer and one Russell Special Grader.

Under the powers of the State Highway Commission, they of course have the power to purchase such machinery as is necessary and incidental to the construction and maintenance of highways. If they have the power to purchase, they would certainly have the power to make a trade of this nature, and in our opinion there is no valid objection to this procedure.