

Opinion No. 33-559

January 30, 1933

BY: FRANK H. PATTON, Asst. Attorney General

TO: Mr. W. J. Mulholland, Mayor Hot Springs, New Mexico.

{*28} Your letter of January 26th, requesting interpretation of certain words in the Deed from the State to the Town of Hot Springs by which Block 95 was conveyed for bath house purposes, has been received.

This property was granted to the State of New Mexico by U. S. Patent No. 1021509, under the provisions of Private Law No. 89 of April 25th, 1928.

By Chapter 98 of the 1929 Session Laws of New Mexico, (H. B. 318) authority was granted the State Land Commissioner to make the conveyance to the Town of Hot Springs, and Deed No. 386, by the said land commissioner was the result.

In all of these instruments we find the words to which you have made reference and which are that the property is to be used for "bath houses, hotel and other improvements for the accommodation of the public."

You desire to know if under these conditions, the Town can erect free recreation rooms, city-hall and fire department headquarters.

A strict interpretation requires us to hold that the improvements and accommodations must be of a like and similar nature, as are bath houses and hotels and in all probability, free recreation rooms to be used in conjunction and in connection with such hotels and bath houses, would be within the meaning of the term quoted.

We seriously doubt if a city hall, fire department headquarters or other improvements for such town purposes are within the contemplation of these words.

However, you realize that the foregoing is only a construction, and we therefore, suggest that all the facts, including copies of all instruments, and copy of this letter be referred to the Secretary of the Interior, for a final decision, if you do not care to adhere to this opinion.