

Opinion No. 33-563

March 21, 1933

BY: E. K. NEUMANN, Attorney General

TO: Mr. L. L. Ehruman, Agent, Railway Express Agency, Santa Fe, New Mexico.

{*31} Your letter of March 17, 1933, requests an opinion of this office upon the following questions:

(a) Does the New Mexico law allow the transportation of beer and wines through the State of New Mexico? If so, under what regulations and restrictions?

(b) Should Article No. 23 of the State Constitution be repealed September 19, 1933, will there be restrictions?

Under Article 23 of the Constitution of this State and the liquor laws of this State, it is unlawful to transport liquors into New Mexico for barter, sale or gift, and such laws are valid under the provisions of the Federal Laws relating to intoxicating liquors, and our laws seem to contemplate only cases where liquor is consigned to a point within this state.

Unless express consent is given by Congress. I doubt the validity of any law of this state which would prohibit a common carrier to transport, through New Mexico, liquors in interstate commerce, originating at and consigned to points outside this state.