

Opinion No. 34-816

October 13, 1934

BY: E. K. NEUMANN, Attorney General

TO: State Corporation Commission, Santa Fe, New Mexico.

{*158} We have your letter of October 10, 1934 in which you enclose a letter from Reid and Iden, Attorneys at Law of Albuquerque, New Mexico, with reference to the reinstatement of the Santa Fe Transportation Company.

{*159} From the information before me I assume that this corporation forfeited its right to do business by failure to file its annual report. Under the provisions of Section 32-149 of the 1929 Code "any such corporation may be permitted to **resume** business upon payment to the state corporation commission of a reinstatement fee of \$ 5.00 and the filing of all delinquent annual reports." The word "resume" means to "enter upon or begin again; to recommence" (Webster's New International Dictionary). I do not interpret the statute to mean that acts done by a corporation during the time when it has forfeited its right to do business in this state are validated by payment of a reinstatement fee and filing of delinquent annual reports. In my opinion such reinstatement is not retroactive.

By: QUINCY D. ADAMS,

Asst. Attorney General