

Opinion No. 43-4421

December 6, 1943

BY: EDWARD P. CHASE, Attorney General

TO: Mr. F. M. Limbaugh, State Highway Engineer, Santa Fe, New Mexico. Attention:
Mr. L. D. Wilson

In your letter dated December 3, 1943 you state that certain leases have been made covering the rental of Sites to provide for Patrol Headquarters and storage for material, under the terms of which the rental is to be paid quarterly in advance. You inquire if this advance payment of quarterly rental may legally be made. I know of no statute prohibiting advance payment of rental under a lease contract.

Section 7-107 of the 1941 Compilation in referring to supplies furnished or services rendered infers that payment shall not be made for such supplies or services until they have been furnished or the services rendered. However, a lease contract does not fall within the designation of supplies or services. If the contract is executed in my opinion the rental may be paid quarterly in advance if the terms of the contract so provide.

By C. C. McCULLOH,

First Asst. Atty. General