

**Opinion No. 48-5160**

July 8, 1948

**BY:** C. C. McCULLOH, Attorney General

**TO:** Mr. Jack Pierce, Secy.-Treas., N. M. Miners & Prospectors Assn., P. O. Box 503, Albuquerque, New Mexico.

{\*156} We wish to acknowledge receipt of your letter of July 2, 1948 pertaining to whether or not a corporation filing placer mine locations under the state laws is considered to be an individual or an association.

In 14 Corpus Juris, at page 52, we find the following statement, to-wit:

"On creation of a corporation, as we have seen, the individuality of the incorporators or members is merged in the corporate body and the corporation becomes in law, and for most purposes, a legal entity or artificial person entirely distinct from its members and its officers. \* \* \*"

In any number of cases courts have held that a corporation is a separate legal entity or artificial person entirely distinct from its stockholders.

In the case of Macon Exct. Bank v. Macon Construction Co., 97 Ga. 1, 25 S.E. 326, 33 L.R.A. 800, the Supreme Court of Georgia, speaking in this regard, said:

"Every corporation is a person -- artificial, it is true, but nevertheless a distinct legal entity."

It is thus our opinion that a corporation, in the present instance, is to be considered as an individual.

Trusting the aforementioned satisfies your inquiry, I am

By ROBERT V. WOLLARD,

Asst. Atty. General