

Opinion No. 13-1036

May 10, 1913

BY: FRANK W. CLANCY, Attorney General

TO: Mrs. A. A. Hine, Estancia, N. M.

SALOONS.

Saloons may be maintained in places having 100 population.

OPINION

{*201} I have just received your letter of the 9th inst. in which you say that your town has less than three hundred inhabitants but is incorporated and has two saloons; and you ask how to go about getting them out of existence, suggesting that they might go out automatically.

I suppose that you have been misled by a publication in some of the newspapers, about the time of the close of the legislature, that an act had been passed prohibiting saloons in places with less than three hundred population. I think that there was a bill introduced in the legislature containing such a provision, but it does not appear to have become a law. The only limitation of that kind is the one to be found in Chapter 115 of the Laws of 1905 which is carefully preserved by Section 15 of Chapter 78 of the laws of the last session of the legislature. Two acts were passed, one of which is Chapter 75 and the other Chapter 78, relating to the liquor traffic, each of which is a local option law, the first applicable to any incorporated city or town and the other to districts outside of incorporated places. It will be necessary, in order to have the saloons in your town abated, to proceed in the manner prescribed in Chapter 75.