

**Opinion No. 13-1123**

October 21, 1913

**BY:** FRANK W. CLANCY, Attorney General

**TO:** Mr. S. J. Smith, Deming, N. M.

**COUNTY FAIRS.**

Mimbres Valley Farmers Association cannot be considered as a regularly organized and incorporated county fair.

**OPINION**

{\*306} I have today received your letter of the 19th inst. and have examined the certificate of incorporation of the Mimbres Valley Farmers Association, which is on file in the office of the State Corporation Commission. I am unable to see that that association could be considered "a regularly organized and incorporated county fair," within the meaning of Chapter 51 of the Laws of 1913, to which you make reference. I know of no statute especially providing for an incorporated county fair and I am not entirely sure that the chapter of the Compiled Laws beginning with Section 457 would cover such an association. Under those sections of the Compiled Laws, no corporation could be organized with a view to any pecuniary benefit.

The only clause in your certificate of incorporation, relative to fairs, is in the statement of objects, among which is "To encourage, promote, finance and manage agricultural fairs and exhibits in the Mimbres Valley." This could not be held to extend to the whole county.

I invite your attention, however, to Section 14 of Article IX of the Constitution which makes it very doubtful, to say the least, whether the act of 1913 is valid. I understand that Judge Abbott in the First District has held against its validity, the question being raised in San Juan County as to the appropriation of money from the county funds to the county fair.