

Opinion No. 15-1515

May 4, 1915

BY: FRANK W. CLANCY, Attorney General

TO: Mr. Nemeccio Olena, Springer, New Mexico.

Minors not allowed to frequent saloons.

OPINION

{*103} Four days ago I received your letter of the 27th of April, but have been so closely occupied with pressing office duties that I have not been able sooner to answer.

You say that you have a son who is running a saloon in Springer and has been sick for over two years, and due to that fact he has not been able to attend to the business personally, and has been obliged to send his boy, sixteen years old, to tend to the saloon when he cannot get a man for that purpose. You say that you wish to know if a father has a right to send his boy to attend to his own business in a saloon without infringing the law.

The law makes it an offense, as you will see by reference to Section 3 of Chapter 3 of the Laws of 1901, for any proprietor of any saloon where intoxicating liquors are kept or offered for sale, to permit any minor under the age of twenty-one, to frequent the premises belonging to such saloon. The law appears to make no exception as to minors who, by the consent or order of the parent, may frequent a saloon. In Section 1, of the same act, it is made an offense to sell to any minor under the age of eighteen years any intoxicating liquor or tobacco "except upon the written consent of the parent or guardian of such minor." There is no such exception as to the offense under Section 3 of the act, and I am compelled to say that in my opinion it would be a violation of the law for a saloon keeper to permit his own son, under the age of twenty-one years, to frequent the saloon, no matter for what purpose, whether for the purpose of selling liquor, or for any other purpose.