

Opinion No. 15-1622

August 18, 1915

BY: FRANK W. CLANCY, Attorney General

TO: Miss Ola Mae Hill, Vaughn, N. M.

Minority of females in New Mexico continues until they are twenty-one.

OPINION

{*194} I have just received your letter of the 16th inst. enclosing a letter from the President of the United States Civil Service Commission addressed to you, and a copy of the instructions to applicants for fourth class postmaster examination, both of which I return herewith as you request.

You ask as to the law of the state on this subject. It seems {*195} that the Civil Service Commission disapproved your application for the reason that it appears you are under legal age, and attention is invited to Section 5 (b) of the instructions. I notice that that paragraph appears to make it discretionary with the commission to refuse to examine any applicant under twenty-one years of age, but it would probably be useless to make any appeal to the Civil Service Commission to permit you to take the examination after the disapproval of your application. That clause makes an exception in favor of a woman of eighteen years of age in a state where women are declared by statute to be of full age for all purposes at eighteen, but unfortunately we have no such statute in New Mexico. A woman above the age of eighteen is permitted to marry without the consent of her parents or guardian, but by a much earlier statute guardianship of minors continues until the minor reaches the age of twenty-one years, whether male or female, and our supreme court in considering that statute held that minority of females as well as males continues until twenty-one.

I regret very much that I cannot say that you would be eligible to take the examination under our statutes as I would greatly prefer to say so if I possibly could.