

Opinion No. 15-1632

August 31, 1915

BY: FRANK W. CLANCY, Attorney General

TO: Mr. Hugo Seaberg, Raton, New Mexico.

Licenses for dances.

OPINION

{*205} I have received your letter of yesterday relative to an opinion from this office recently published to the effect that sections 3313, etc., of the codification of 1915 govern licenses for dances. You say that the original sections we mention as being incorporated in the codification were repealed in 1897 by Chapter 53, which latter is, in part, Section 4146 of the Compiled Laws of 1897, and you think that the original sections, which had been repealed, were included in the 1915 codification by mistake.

I am unable to agree with you that Chapter 53 of the Laws of 1897 repealed the earlier sections, and I call your attention to the last published report and opinions of this office, at page 27, where there is reproduced a statement of the condition of the law on this subject which I had made some years before. Chapter 53 of the Laws of 1897, which imposes an annual license of \$ 10.00 upon the owner or manager of a building used for public balls and public entertainments for hire, is in no way inconsistent with the sections which require a license as shown in that part of the codification to which you refer. I believe that the codifiers took the same view of the license statute that I did in that statement above referred to.

I call your attention, however, to the last paragraph of my statement about the law which you will find on page 29 of the report in which I say that this statute probably is not applicable to balls and dances within incorporated cities because the power to license, regulate and suppress them has been confided, by the legislature, to the city authorities. At the time that the original statutes were enacted there were no incorporated municipalities in New Mexico.