

**Opinion No. 20-2606**

June 9, 1920

**BY:** O. O. ASKREN, Attorney General

**TO:** Mr. R. W. Clothier, President, New Mexico Agricultural School, Las Cruces, New Mexico.

Board of Regents State Agricultural College May Borrow Money For Some Purposes.

**OPINION**

In reply to your telegram wherein you request me to give you my opinion by a monosyllable, yes or no, as to whether or not the college has legal authority to borrow money, would advise:

In my judgment the institution has the legal authority to borrow money provided they do so in compliance with Section 5158 of the Compiled Laws of 1915.

It is a question of fact whether the contemplated loan comes within the purview of the law as set forth in said section. Therefore, you will readily see that your question cannot correctly be answered by "yes or no." This office does not intend to take the responsibility for the violation of any law by your Board in the borrowing of the money desired to keep the Las Cruces school running.

If the facts are such that the contemplated obligation may be made and not violate said section, then and in that event, of course, you may legally incur the indebtedness, otherwise, you may not.