

**Opinion No. 21-2863**

March 26, 1921

**BY:** HARRY S. BOWMAN, Attorney General

**TO:** Mr. Stanley A. Foutz, Attorney at Law, Wagon Mound, New Mexico.

**No Law Authorizing Dis-incorporation of Village.**

**OPINION**

{\*32} In reply to your letter of the 23rd instant requesting an opinion regarding the procedure to be adopted in the dis-incorporation of the Village of Wagon Mound, I would advise you as follows:

The dis-incorporation of cities or incorporated towns is provided for in Section 3736, Code 1915. This section, as it appeared in the Compiled Laws of 1897, Section 2503, and in the original act of Chapter 81, 1889, was somewhat different in its language from the form in which it appears in the Code.

In an opinion rendered to Mr. W. G. Robertson of Columbus, New Mexico, under date of May 12, 1914, which appears as No. 1228 in the Report of the Attorney General for the year 1914, former Attorney General Frank W. Clancy held that villages were included in the term "incorporated towns," and as authority for such holding referred to Sections 2469, 2470, 2476, 2478, 2479, 2481 and 2482 as sustaining his views.

All of these sections have been omitted from the Code and it would, therefore, appear as if it had been the intention of the legislature in adopting the Code to exclude villages from the operation of the provisions of the act.

There are no other provisions in the Code which authorize the dis-incorporation of villages and, therefore, in my opinion, there being no procedure prescribed, villages are not authorized to be disincorporated at the present time.