

Opinion No. 36-1447

October 10, 1936

BY: FRANK H. PATTON, Attorney General

TO: Mr. Juan N. Vigil, State Comptroller, Santa Fe, New Mexico.

{*144} We have your letter of October 10th, 1936, enclosing letter from Mr. W. H. Blaine of Raton in which he asked for an opinion as to the authority of the Board of County Commissioners of Colfax County to mortgage the old court house and jail building in Raton for the purpose of raising funds with which to buy equipment for the new court house.

I am of the opinion that the Board of County Commissioners of Colfax County do not have power to do this. See Vaughan vs. Forsyth County, 118 N.C. 636, 24 S.E. 425; Stewart vs. Otoe County, 2 Neb, 177, I also call attention to Section 10 of Article 9 of the Constitution of New Mexico, which provides that counties may not borrow money except where the proposition to create the debt has been submitted to the qualified electors of the county who paid a property tax during the preceding year and approved by a majority of those voting thereon.

By QUINCY D. ADAMS,

Asst. Atty. General