

Opinion No. 37-1843

December 21, 1937

BY: FRANK H. PATTON, Attorney General,

TO: Miss Clara M. Beyer Assistant Director U. S. Department of Labor Division of Labor Standards Washington, D. C.

Re: Constitutionality of Chapter 149, Laws of 1933.

OPINION

{*204} State v. Henry, 37 N.M. 536, 25 P (2) 204, and Barry et al v. Compton, 37 N.M. 599, 26 P (2d) 359, involved only mercantile establishments, but the reasoning upon which the act was held unconstitutional as to them is equally applicable to hotels, restaurants and cafes covered by section 3 of the act, and it has been taken for granted generally that the whole act is unconstitutional. It is so annotated in Shepard's New Mexico Citations.

My opinion is that these cases are authority to the effect that the entire act is unconstitutional.

By: A. M. FERNANDEZ,

Asst. Atty. Gen.