

**Opinion No. 44-4497**

April 12, 1944

**BY:** EDWARD P. CHASE, Attorney General

**TO:** Mr. J. R. Stovall, Administrative Officer, State Soil Conservation Committee of New Mexico, State College, New Mexico

We are in receipt of your letter of April 4, 1944, in which you ask two questions concerning soil conservation districts.

Your first question is whether the Board of Trustees of the Atrisco Grant or the owners of an undivided interest therein should be permitted to vote in the formation of a proposed district. This office has held, by opinions numbered 1933 and 1973, that the owners of any land in a district may vote; that as to corporations the stock-holders may not vote, since their interest is only in the corporation, but that the Board of Directors of the corporation might appoint an attorney or agent to vote for them.

As I am not familiar with the formation of the Atrisco Grant I cannot state with certainty whether or not it is a corporation. However, if it was organized under the 1917 Act (Sec. 9-201 of the 1941 Compilation) it is a body corporate, so that the Board of Trustees might authorize their agent to vote. If this grant was organized under the 1907 law (Sec. 9-101 of the 1941 Compilation) it would not be a corporation, but its nature is so nearly that of a corporation that it is my opinion that the same rule should apply.

Your second question is whether or not an individual may be permitted to withdraw from a soil conservation district. Please be advised that while provision is made for including additional land in a district already formed, no provision is made in the law entitling any person or persons owning land in the district to withdraw.

Trusting the foregoing sufficiently answers your inquiry, I remain,

By ROBERT W. WARD,

Asst. Atty. General