

Opinion No. 16-1848

July 19, 1916

BY: H. S. CLANCY, Assistant Attorney General

TO: Mr. A. W. Morningstar, Attorney at Law, Lordsburg, New Mexico.

A village is not empowered to license or regulate saloons.

OPINION

{*408} I am in receipt of your letter of the 17th instant in which you ask for the opinion of this office as to the right of a village incorporated since 1915, to license and regulate saloons.

I take it that Lordsburg was incorporated under the act of 1909 which now appears as Section 3764, et seq. of the Codification of 1915. Under that act this office is unable to discover that a village is vested with the power to license, tax or regulate saloons. Under the provisions of Section 3775 a village is empowered to regulate certain things within its limits, and among others, "all theaters, halls, or other houses of entertainment." Unless a saloon can be designated as a "house of entertainment," I do not see how village authorities can regulate it, and I am unable to find any authorities which so characterize a saloon.