

Opinion No. 52-5485

January 29, 1952

BY: JOE L. MARTINEZ, Attorney General

TO: Honorable Ray Crowder County Clerk, Curry County Clovis, New Mexico

{*199} This is in reply to your letter of January 19, in which you request my opinion as to the application to non-residents of Section 66-1509 N.M.S.A. 1941 Compilation.

Section 66-1509 states:

"Whenever any **soldier** shall request of the county clerk of any county a certified copy of his marriage license, it shall be the duty of such county clerk to prepare and certify to such copy of the requested marriage license free of cost to the soldier, provided that the certified copy of said marriage license is to be used and filed with the veterans bureau of the United States in accordance with the regulations thereof."

However, Section 66-1507 defines "soldier" as:

"'Soldier' shall mean every honorably discharged soldier, sailor, marine and army nurse **resident of New Mexico** and who served in the armed forces of the United States for thirty (30) days or more at any time in which the United States was officially engaged in any war, including resident unmarried widows of such soldiers, sailors and marines."

It is my opinion that the only persons who are entitled to free copies of marriage certificates are those who are presently residents of New Mexico and who qualify as soldiers or the un-remarried widow of a soldier, as defined by Section 66-1507. It is my further opinion that such request must come directly from the person so entitled. All others requesting certified copies of marriage certificates must pay the fees which you are obliged by law to collect.