

## Opinion No. 15-1686

November 22, 1915

**BY:** FRANK W. CLANCY, Attorney General

**TO:** Mr. Will P. Lapoint, Las Cruces, New Mexico.

**Term "Spanish-American" in connection with legal publications.**

### OPINION

{\*258} I have just received your letter of the 21st inst. asking me to advise you of the meaning and intent of the law in the use of the term "Spanish-American." You say that you believe it means anyone of Spanish or Mexican ancestry and that in legal notices wherein there is any party to the record of either of those extractions, publication must be in both languages.

The statute which you have in mind must be Section 4651 of the codification and is contained in a proviso to the effect that "in all legal proceedings wherein no party to the record is a Spanish-American, publication in the Spanish language shall be unnecessary." It does not follow, however, that in all cases where a Spanish-American is a party to the record that publication must be made in both languages. The preceding part of the section requires, except as otherwise provided in the chapter, that publications referred to in the statute required by law to be made, must be published in the Spanish language in a newspaper, when there is one in the county, as least thirty per cent of the reading matter of which is in the Spanish language. In the absence of such a paper published in the county, no publication in Spanish is required, and by the proviso no publication in Spanish is required unless there is a party to the record who is a Spanish-American.

The word "Spanish-American" etymologically must mean an American citizen of Spanish birth or descent just as the term German-American means an American of German birth or descent. It is my opinion also that practically it must be held to include Americans of Mexican ancestry as it would certainly be difficult to distinguish between Americans of Spanish ancestry and Americans of {\*259} Mexican ancestry, if by the latter we mean descendants of the aboriginal inhabitants of Mexico. There being no practical way of distinguishing in the great majority of cases, I agree that your view on this part of the question is correct.