

**Opinion No. 31-106**

March 30, 1931

**BY:** E. K. Neumann, Attorney General

**TO:** Miss Ruth S. Nye, County Clerk, Carlsbad, New Mexico.

{\*58} We have your letter of March 18 in which you call attention to Section 34-343 of the 1929 Compilation and request information as to your authority for entering fees in criminal cases for papers filed in such criminal cases, such as motion, demurrer, etc.

Under the section cited, it is the opinion of this office that it is applicable to civil actions only and we are unable to find any authority by which the clerk of the court may impose fees in the instances mentioned by you.

In the absence of any statutory authority for the imposition of such fees, we believe it is not within the power of the clerk to make such charges.

By Frank H. Patton,

Assistant Attorney General