

Opinion No. 31-245

August 20, 1931

BY: E. K. Neumann, Attorney General

TO: Mr. John W. Ballow, County Clerk, Portales, New Mexico.

{*98} In answer to your letter of August {*99} 18th, requesting an opinion as to whether or not a marriage is illegal where the license is issued in one county and the ceremony is performed in another county in the state, wish to advise you that under Section 87-111 of the 1929 Compilation it is provided that all persons desiring to enter into the marriage relation in this state shall obtain a license from the county clerk in the county wherein they desire the marriage to occur.

Under Section 87-113 of the above citation the person who performs the marriage ceremony shall require that the license be produced.

In all probability the law was passed for the convenience of parties desiring to enter into the marriage relation, and it is seriously doubted if a marriage would be declared invalid because of the fact of the license being purchased in one county and the ceremony being performed in another.

By Frank H. Patton,

Asst. Attorney General