

**Opinion No. 35-942**

March 15, 1935

**BY:** FRANK H. PATTON, Attorney General

**TO:** Mr. Lake J. Frazier, Assistant District Attorney, Roswell, New Mexico.

{\*53} In your letter of March 12, 1935, you ask for our interpretation of a portion of Section 33-3202, 1929 Compilation, which reads as follows:

"And, provided, further, until relieved by law from the performance of the duties of clerks of district courts, the county clerks of the several counties in the state shall respectively receive additional compensation as follows:

In counties of the first class, fifteen hundred dollars per annum. **In such counties where the fees derived from the district court, exclusive of fines and forfeitures, during any calendar year shall exceed twenty-five hundred dollars an additional deputy may be employed at a salary of not to exceed seventy-five dollars a month.**"

Since Chaves County has been reduced from a first class county to a second class county the question arises as to whether or not the language of the statute which is underlined applies to Chaves County.

It is my opinion that this language can only be meant to apply to the first class counties and since Chaves County is no longer a first class county, it does not fall within the language above underlined.

By QUINCY D. ADAMS,

Asst. Atty. General