

Opinion No. 39-3266

September 1, 1939

BY: FILO M. SEDILLO, Attorney General

TO: Miss Helen Shields, County Clerk and Clerk of District Court, Alamogordo, New Mexico.

{*102} I am in receipt of your letter of August 30th wherein you inquire whether it is permissible for a District Court Clerk to file a suit under the Workmen's Compensation Act without the payment of the Capitol Addition Fee of \$ 2.50 imposed by Section 4, Chapter 14, Special Session Laws of 1934.

In Opinion No. 1301 this office held that although Section 156-113, New Mexico Supplement, 1938, above referred to, provides that no costs shall be charged, taxed, or collected by the clerk, etc., in such cases, that this \$ 2.50 fee or tax is not a part of the costs and consequently the fee must be paid by those filing Workmen's Compensation Claims under said section. See also Attorney General's Opinion No. 1270, here enclosed.