

Opinion No. 42-4193

November 30, 1942

BY: EDWARD P. CHASE, Attorney General

TO: Mr. C. R. Sebastian State Comptroller Santa Fe, New Mexico

{*284} This will acknowledge receipt of your letter of November 28, 1942, wherein you have inquired as to what the correct fee is that a county clerk may charge for a transcript of a marriage record.

I enclose herewith for your use and information a copy of Opinion No. 3720 which points out that certified copies of marriage license are to be furnished to the Veteran's Administration without charge.

When a civilian is securing a transcript of a marriage record, it is my opinion that Section 33-4306, 1929 Compilation, prescribes the fee by virtue of the following language:

"The county clerk shall be allowed the following fees:

* * *

For copying any order, record or paper, for every one hundred words, ten cents;"

It is my belief that the fee to be charged under our present statutes for the issuing, acknowledgment and recording of a marriage license and a marriage certificate is \$ 2.50. See Section 1, Chapter 22, Laws of 1941. In this connection I will state that it is my opinion that Section 87-119, 1929 Compilation, has been repealed by implication.

You will note that the last two sections mentioned do not prescribe the amount to be charged for a transcript of the record and it is for this reason that I am of the opinion that the ten cent per hundred word fee should be charged.

By GEO. H. HUNKER, Jr.

Asst. Atty. General