

**Opinion No. 43-4255**

March 22, 1943

**BY:** EDWARD P. CHASE, Attorney General

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

In your letter dated March 18, 1943, you inclosed a letter from a county clerk and request an opinion relative to recording soldiers' discharges. and with particular reference to whether the present law covers discharges under the present war.

Section 66-1501 of the 1941 Compilation provides as follows:

"The county clerks of the several counties of the state shall, upon presentation to them, record, free of charge, in the volume known and designated as "Miscellaneous Records," the discharge papers of any soldier, sailor, marine, aviator, army nurse, yeomanette, who was accepted for service and served in the armed forces of the United States for thirty (30) days or more at any time in which the United States was officially engaged in any war."

This act seems to be broad enough to cover discharge from any war, and in my opinion the same would govern in the recording of honorable discharges of members of the armed forces who served during the present war.

By C. C. McCULLOH,

First Asst. Atty. General