

Opinion No. 44-4502

April 22, 1944

BY: EDWARD P. CHASE, Attorney General

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

We are in receipt of your letter of April 21, 1944, in which you ask whether or not the Red Cross may apply for a certified copy of a marriage certificate of a soldier without cost by virtue of Section 66-1509 of the 1941 Compilation.

This section provides as follows:

"Whenever any soldier shall request of the county clerk of any county a certified copy of his marriage license, it shall be the duty of such county clerk to prepare and certify to such copy of the requested marriage license free of cost to the soldier, provided that the certified copy of said marriage license is to be used and filed with the veterans bureau of the United States in accordance with the regulations thereof."

In view of this section, it is my opinion that a soldier may request a certified copy of his marriage license either personally or by an authorized agent. This agent may be Red Cross, or some other person or agent. It is further my opinion that the County Clerk should issue such certified copy free of charge in the event, but only in the event, that said marriage license is to be used and filed with the veteran's bureau of the United States, in accordance with its regulations.

By ROBERT W. WARD,

Asst. Atty. General