

**Opinion No. 54-5984**

June 28, 1954

**BY:** RICHARD H. ROBINSON, Attorney General

**TO:** Major Lamar F. Graves JA Section, Hq. AFPE APO 343, c/o PM San Francisco, California

{\*442} In your letter dated May 20, 1954, you request an opinion concerning the legality of a marriage between a resident of New Mexico, who is a member of the Armed Forces, to a Japanese girl in Japan.

In New Mexico, the only restriction or prohibition concerning marriages is as to males under eighteen years of age and females under sixteen years of age and as to incestuous marriages. There is no statute prohibiting mixed marriages between races and § 65-104, 1941 Compilation, provides as follows:

"Lawful marriages without the state recognized. -- All marriages celebrated beyond the limits of this state, which are valid according to the laws of the country wherein they were celebrated or contracted, shall be likewise valid in this state, and shall have the same force as if they had been celebrated in accordance with the laws in force in this state."

In view of this situation, it is our opinion that the marriage, if valid in Japan, would be valid in New Mexico, and such a marriage if consummated in New Mexico, would also be valid.

By: C. C. McCulloh

Assist. Attorney General