

Opinion No. 14-1336

September 23, 1914

BY: H. S. CLANCY, Assistant Attorney General

TO: Honorable Robert P. Ervien, Commissioner of Public Lands, Santa Fe, New Mexico.

FEES OF COUNTY CLERK.

Fees of county clerk for certificate that state has not sold certain lands.

OPINION

{*198} Replying to your oral request for the opinion of this office as to the proper charge to be made by a county clerk for a certificate to the effect that the records of his office do not show that the State of New Mexico has sold, transferred or incumbered, or has agreed {*199} to sell, transfer or incumber its title to certain lands, I have to say that such clerk is authorized, under the provisions of Section 1768 of the Compiled Laws of 1897, to charge you for each such certificate, under seal, the sum of twenty-five cents. Further, by Section 3958, of the same compilation, the clerk is entitled to receive as fees for searching records, five cents for each year for each name searched for, and in the case of the State he could not charge more than fifteen cents, such charge being for the years 1912, 1913, and 1914. It will thus be seen that a county clerk can, in no event, compel you to pay for such certificate any amount in excess of forty cents.