

Opinion No. 15-1551

June 14, 1915

BY: H. S. CLANCY, Assistant Attorney General

TO: Hon. K. K. Scott, District Attorney, Roswell, N. M.

County clerks may retain for their own use twenty-five cents out of moneys received for issuance of hunting licenses.

OPINION

{*134} I am in receipt of your letter of the 12th inst. in which you ask for the opinion of this office as to whether a county clerk is entitled to retain for his own use the fee he collects for issuing game licenses, or whether he should account for such fees as county clerk.

I have no hesitation in saying that the county clerk is entitled to retain for his own use, out of the moneys received for the issuance of a hunting license, the sum of 25 cents, as provided by Section 48, Chapter 85 of the Laws of 1912. Neither by the game and fish law enacted by the last legislature, nor by Section 12, Chapter 85 of the Laws of 1912, is a county clerk declared to be a Deputy Game Warden, but he is merely, when duly authorized by {*135} the state Game Warden, a collector of licenses, which is no part of his official duties as county clerk. In this connection, I will refer you to an opinion appearing at page 19 of the bound volume of the report of the Attorney General for the years 1912-13.