

## Opinion No. 21-2863 1/2

March 28, 1921

**BY:** HARRY S. BOWMAN, Attorney General

**TO:** Mr. J. Frank Curns, Wagon Mound, New Mexico.

### Legality of Photographic Copies of County Records.

#### OPINION

{\*32} I have your letter of the 22nd instant enclosing photographic copy of a record in the office of a county clerk and asking if such a copy conforms to Sections 1123 and 1124, Code 1915, as amended by Chapter 106, Laws 1917, wherein it is prescribed that officers of newly created counties shall have "transcribed" such parts of the records of the parent county as relate to the property titles in the new county.

In the answer to the question is involved the definition of the word "transcribe."

Bouvier, in his Law Dictionary 3, page 3308, defines "transcribe" as "a copy of an original writing or deed." The Century Dictionary defines transcribe as "To copy in writing," and the word transcript is defined in that dictionary as "A writing made from and according to an original, a copy, a copy of any kind, an imitation."

The derivation of the word transcribe would lead us to believe that a photographic copy of a record would not be literally a "transcription." The word "Transcribe" coming from the Latin "trans" and "scribio," meaning "to write over."

The modern acceptance of the term "transcribe" or "transcript," however, is broader and more comprehensive than would be indicated by a strict adherence to a literal translation of the two Latin terms making up the word, and from the definitions in Bouvier and the Century Dictionary, I am of the opinion that a photographic copy of a record is a transcript, and that the officers would be complying {\*33} with the law in the transcribing of the records of the parent county by having photographic copies made of such records and the certificate of the transcriber appended thereto in compliance with law.

In addition to the reasons above mentioned, such a transcription would, of course, be more nearly absolutely accurate than a transcribing by hand or by typewriter, and could be done at a much less expense than by the methods formerly used.

The time necessary to furnish the transcriptions of course would be shortened by the use of the method suggested by you, all of which would be persuasive in arriving at a correct conclusion in this matter.

Therefore, the reproduction of the records by the Rectigraph method, sample copy of such record having been enclosed with your letter, in my opinion will satisfy the statutes providing for the transcription of records for new counties.