

**Opinion No. 31-320**

November 23, 1931

**BY:** E. K. Neumann, Attorney General

**TO:** Mr. Gilberto Mirabal, County Clerk, Santa Fe, New Mexico. Attention: Mr. H. Alarid, Jr.

{\*121} In your letter of November 21, 1931 you ask the following two questions:

1. Can a marriage license issued in this County be used in some other County?
2. Is the marriage legal if a priest or minister performs the ceremony using a license from some other county?

Section 87-111 of the 1929 Code requires that the license be procured in the county wherein the marriage is to occur. However, I do not think that a marriage performed in another county than that in which the license was issued is for that reason void. The performance of such a marriage ceremony may render the persons involved liable to certain penalties, but, in my opinion, does not render the marriage void or illegal.

By Quincy D. Adams,

Asst. Attorney General