

Opinion No. 37-1500

January 6, 1937

BY: FRANK H. PATTON, Attorney General

TO: Mr. Frank V. Ortiz District Court Clerk Santa Fe, New Mexico

{*41} Your letter of January 5 inquires if a docket fee provided by Section 34-343 of the 1929 Compilation should be charged in cases of appeals from decisions of the State Land Commissioner.

Apparently, under the language used in said cited section, it only applies to original civil actions, and it is my belief that the ordinary docket fee of \$ 7.50 should not be assessed.

You will note that in Chapter 122 of the Session Laws of 1931, specific provision is made for payment of a docket fee in cases of appeals from Justice of the Peace Courts, but we fail to find any provision which would lead us to believe that the ordinary docket fee is chargeable in the case mentioned by you.

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