

Opinion No. 40-3563

July 5, 1940

BY: FILO M. SEDILLO, Attorney General

TO: Mr. Owen B. Marron, District Attorney, Albuquerque, New Mexico.

{*148} I agree with you that the Legislature in enacting Section 118-114, 1929 Compilation, intended merely to require that recording be done by a method insuring permanency and durability, and that recording by photographic copy if as legible and durable would not constitute a violation of that section. See Annotation in 57 A.L.R. 156.

Section 118-116, 1929 Compilation, providing for admission in evidence of copies of writings "when said writing is certified and registered in the manner hereinbefore prescribed," which had given me some concern, clearly refers to Sections 118-101 to 118-113, 1929 Compilation, which immediately preceded it in the 1915 Code, Section 118-114, 1929 Compilation, here in question being enacted subsequent to the 1915 Codification.

If your construction of Section 118-114, 1929 Compilation, were not correct, and if that section had to be literally complied with by recording in unfading ink or by typewriter ribbon, then a large majority of the records in the various offices are not in compliance therewith since they are made by printed copies with blanks filled in.

By: A. M. FERNANDEZ,

Asst. Atty. Gen.