

Opinion No. 43-4337

July 16, 1943

BY: EDWARD P. CHASE, Attorney General

TO: Honorable C. R. Sebastian, State Comptroller, Santa Fe, New Mexico

In your letter dated July 13, 1943, you inclose a letter from a County Clerk asking four questions upon which you desire an opinion from this office.

1. Whether or not the County Clerk may return the chattel mortgage on file when release has been made.

This question has recently been answered by Attorney General's Opinion No. 4205, a copy of which I am inclosing herewith.

2. Whether or not a marriage fee collected by a Probate Judge is to be considered a fee collected by virtue of his office, which fee must be deposited with the County Treasurer.

This question was answered in Attorney General's Report for the period 1929-30, at page 40. I am inclosing a copy of the same herewith.

3. What fee should be charged for certified copies of soldier's discharge.

I have carefully checked the Bills introduced and passed by the 1943 Legislature, without the assistance of an index and without having a copy of the published laws, and am unable to find any bill passed which authorizes the County Clerk to issue certified copies of a soldier's discharge free of cost. I am, therefore, of the opinion that Sec. 15-3706 of the 1941 Compilation covers this matter, and the same provides for the issuance of a certified copy of any record in the Clerk's Office, upon receipt of a fee from the person seeking such copy of 15c for each page contained in such copy.

4. Whether or not the Registration Board should meet to cancel affidavits of registration subject to cancellation on the third Monday of July of this year.

This question has been answered by Opinion No. 4303, a copy of which I am inclosing herewith.

By C. C. McCULLOH

First Asst. Atty. Gen.