

**Opinion No. 14-1242**

June 8, 1914

**BY:** FRANK W. CLANCY, Attorney General

**TO:** Mr. Robert Smyth, Roswell, New Mexico.

**ACKNOWLEDGMENTS.**

County clerk can legally take acknowledgments to deeds and other conveyances.

**OPINION**

{\*106} I have received your letter of the 6th inst. asking whether or not a county clerk in this state, under our present law, can legally take acknowledgments to deeds and other conveyances.

The last legislation on the subject of the taking of acknowledgments is in Section 14 of Chapter 62 of the Laws of 1901, and among other things it is provided that acknowledgments may be taken before a clerk of the district court, or before a judge or clerk of the probate court, using the probate seal. There is no longer a distinct officer known as clerk of the district court or clerk of the probate court. The Constitution in Section 22 of Article VI provides that a county clerk shall be elected in each county, who shall in that county "perform all the duties now performed by the clerks of district courts and clerks of the probate courts." My opinion is that by this provision the county clerk is authorized to do everything which the former clerk of the district court or clerk of the probate court could lawfully do and that he can authenticate any certificate to an acknowledgement by either the seal of the district court or the seal of the probate court, stating in the certificate which seal is used.