

Opinion No. 15-1635

September 13, 1915

BY: H. S. BOWMAN, Assistant Attorney General

TO: Hon. Antonio Lucero, Secretary of State, Santa Fe, New Mexico.

Jurisdiction of notaries public extends to every county in the state.

OPINION

{*209} In reply to your verbal request for an opinion as to the jurisdiction of notaries public in this state, I beg to refer you to Section 3924 of the codification of 1915 which reads as follows:

"The Governor shall appoint in each county in this State from the citizens of either sex, one or more notaries public, who shall hold office for four years unless sooner removed by the Governor, each of whom shall have power and authority anywhere in the State to administer oaths, certify to acknowledgments, and perform all the other duties required of them by law; but a person to be eligible to such appointment must at the time of appointment have resided in the State at least one year, and must be of the age of twenty-one years or over, and must be a person of good moral character and competent to discharge the duties of the office and these facts must be made to appear to the Governor at the time of the application of the appointment."

You will note that in this section it is provided that notaries shall have power and authority anywhere in the State to administer oaths, certify to acknowledgments and perform all other duties required of them by law. It would seem that it was the intention that notaries should have jurisdiction anywhere within the State, and we know of no statute which in any manner limits the authority which apparently is granted in this Section.

In an opinion from this office which is published as No. 892 in the opinions for the years 1912 and 1913, we held along the lines indicated above.