

Opinion No. 21-2831

February 16, 1921

BY: HARRY S. BOWMAN, Attorney General

TO: Mr. Porfirio B. Cordova, La Joya, New Mexico.

Fees to Be Charged by Notary Public.

OPINION

{*27} We have your letter of the 15th instant making inquiry concerning fees that may be charged by a Notary Public when the Notary is called from his office to take an acknowledgment or swear a person to an oath.

A Notary is not authorized to charge any fees in excess of those prescribed by law and Section 3949, Code 1915 provides the fee that may be charged by such an officer.

The fees provided for taking acknowledgments or certifying to oaths in the above mentioned section are twenty-five cents, in each case and you would, therefore, not be authorized to charge fifty cents for taking such an acknowledgment or certifying to such an oath. You would be entitled to the mileage provided for in the act in addition to the fees mentioned.

You would not be entitled to retain the papers which you acknowledge or to which you certify for the failure to pay your fees. It would be necessary for you to file suit against a person to collect for fees to which you are entitled in order to enforce such payment.