

Opinion No. 21-2977

May 19, 1921

BY: HARRY S. BOWMAN, Attorney General

TO: Mr. J. Frank Curns, Attorney at Law, Wagon Mound, New Mexico.

Official Oaths of School Directors.

OPINION

{*58} In reply to your letter of the 17th instant, submitting two inquiries for which you desire an opinion, would advise you as follows:

In reply to the question as to the right of a school director to serve as such who has taken his oath of office before a notary public, I would say that in my opinion the provision of section 4852, Code 1915, requiring that such oath shall be administered by the director serving, etc. is directory and not mandatory, and the "shall" {*59} may be read as "may" and that therefore a person qualifying by taking oath before a notary public would be legally qualified to serve as such school director.

In answer to your second inquiry, I would state that while section 4852, Code 1915, provides that a school director shall file his oath of office prior to the first day of May. it is filed subsequent to the first day of May, and before action is taken looking toward the selection of a successor for failing to have qualified, he could legally serve as such director.

Both the above opinions are supported by authority.