

Opinion No. 23-3744

December 10, 1923

BY: JOHN W. ARMSTRONG, Assistant Attorney General

TO: Requested by: Hon. A. N. Corniel, Director of Audits, Santa Fe, New Mexico.

District Court Fees Should be Carried in the Name of the County Clerk.

OPINION

{*110} Your inquiry is as follows:

"In several judicial districts of the state there are special deputy district clerks appointed by the court and who have charge of the court records, such arrangement being in effect at Albuquerque for that district, also at Socorro for that district.

{*111} "Will you kindly advise the writer in whose name the fees or collections made by such clerk should be carried?"

Strictly speaking, there are no "district clerks" or "deputy district clerks." The Constitution of our state at section 22, Art. 6 provides:

Until otherwise provided by law a county clerk shall be elected in each county who shall, in the county for which he is elected, perform all the duties now performed by the clerks of the district courts and clerks of the probate courts.

Subsequent to the adoption of the Constitution there has been no law providing otherwise, hence the "county clerk" and "deputy county clerk" still perform the duties, and undertake the responsibilities of the former district court clerks and their deputies. The district court fees and collections, therefore, should undoubtedly be carried in the name of the County Clerk.