

Opinion No. 14-1207

April 27, 1914

BY: FRANK W. CLANCY, Attorney General

TO: Mr. William M. Traylor, Tucumcari, New Mexico.

NOTARY PUBLIC.

Notary public's appointment holds good until expiration of term for which it was made.

OPINION

{*68} I have just received your letter of the 24th inst., asking if the appointment of a notary public made in October, 1911, holds good after the Territory became a State, and whether the notary seal used in 1911 can still be used.

{*69} I think this is the first time the question has been raised, but I had occasion in 1909 to consider with care a similar question as to whether an appointment made prior to the act of 1909, under the previous statute, would continue after the new act went into effect, and I reached the conclusion that there was nothing to show that the old appointment had expired by the new statute. Similar reasoning would be applicable to your question, and I have no doubt that the appointment holds good until the expiration of the term for which it was made. If this were not so we would not have today any statute in force providing for the appointment of notaries. Sec. 4 of Art. XXII of the Constitution provides that all laws of the Territory in force at the time of its admission into the Union, not inconsistent with the Constitution shall continue in force. By virtue of this provision the act under which notaries were appointed in 1911 continues in force, and I have no doubt that the seal provided under such an appointment can still be used.