



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

April 24, 1959

Honorable Henry Wade
District Attorney
Records Building
Dallas, Texas

Opinion No. **WW-607**

Re: Duty of the County
Clerk to search re-
cords.

Dear Mr. Wade:

In your recent letter you have requested this office to render an opinion as to whether the County Clerk has a duty to search the records which are under his control and supervision and guarantee the correctness thereof to the party requesting the search be made.

The duties of a public officer, in general, have been described as follows: (67 C.J.S. 396, Officers, Section 110).

"The duties of a public officer are usually prescribed by statute, but it has been observed that such statutes seldom, if ever, define with precise accuracy the full scope of such duties. Generally the duties of a public office include those lying fairly within its scope, those essential to the accomplishment of the main purpose for which the office was created, and those which although incidental and collateral, serve to promote the accomplishment of the principal purposes. . . ."

Specifically, the duty of public officers to conduct searches of their records and certify the result, upon request, has been described as follows: (10 Am. Jur. 950, Clerks of Courts, Section 14).

". . . In some states it is made the duty of Clerks of Courts, prothonotaries, and other officials having the custody of public records to make searches and certify the result, and it is held that the officer is liable for any error or misstatement in such certificate, but without statutory provision such services

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are not part of the official duty of
Clerks of the Courts. . . ."

The duties and functions of the County Clerk are set forth in Articles 1935 through 1948, Vernon's Civil Statutes. Article 1941 provides that the County Clerk shall act as ex-officio recorder and maintain such records as necessary. Article 1945 provides that the County Clerk shall keep such other records as may be required by law and that they shall be open to inspection and examination by any citizen who shall have the right to make copies of the same. Nowhere do the statutes impose a duty upon the County Clerk to search the records maintained by him, and to certify the results of his findings.

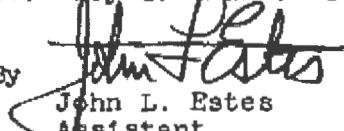
Therefore, it is the opinion of this office that the statutes impose no duty on the County Clerk to conduct searches of his records and certify the results of such searches. With reference to the foregoing quote from Corpus Juris Secundum, neither does such service seem to be necessary to accomplish the principal purposes for which the office of County Clerk was created.

SUMMARY

The County Clerk has no duty to search the records under his control and guarantee the correctness thereof.

Yours very truly,

WILL WILSON
Attorney General of Texas

By 
John L. Estes
Assistant

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APPROVED:
OPINION COMMITTEE
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REVIEWED FOR THE ATTORNEY GENERAL
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