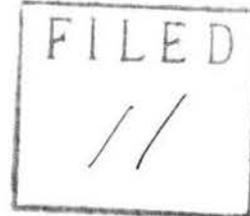


NOTARY PUBLIC--Bond of Notary Public may be terminated by
suit as to future but not past liability.

✓
AC 11742 RS MO 1929

July 13, 1933.

7.14



Hon. Dwight H. Brown,
Secretary of State,
Jefferson City, Missouri.

Dear Sir:

We have your letter of June 30th, 1933 requesting an opinion
on the following state of facts:

"On or about March 4, 1931, we executed a
notary bond on behalf of Mildred A. Berger
of St. Louis, Missouri. Miss Berger has
been unable to pay the premium in connec-
tion with this bond and she has consented
to relinquish her rights to act under her
commission. Will you be kind enough to
advise us if there is any manner in which
Miss Berger could become released and we
could cancel our bond."

The bond required of a notary public is for the protection of
the general public, and upon which, any injured member of the
general public may maintain a suit at any time within three
years after the cause of action accrued. Section 11742 R. S.
1929.

As to future liability of the surety on a notary public bond,
we call your attention to that part of Section 11742, R. S.
1929 which provides:

"Sureties on the bonds of any notary may be
discharged from all future liability on such
official bond, by petition in writing address-
ed to the county court (in the city of St. Louis
to the circuit court), by conforming to the
requirements, with the same rights and remedies
as provided by sections 2944 to 2952, inclusive,
of chapter 13, R. S. 1929, relating to sureties."

The above sections, referred to, namely 2944 to 2952, inclusive,
set out the form of the pleadings and the necessary steps
to be taken by a surety to relieve itself of future liability
on a surety's bond.

