

NOTARY PUBLIC:  
Notary public may hold one  
commission at a time.

Only one notary public commission may be  
issued to a person during any one four-  
year period.

February 21, 1938

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

Dear Sir:

This is to acknowledge receipt of yours of February 15, 1938, requesting an official opinion from this department which is as follows:

"We are today in receipt of a letter from a notary who was commissioned for St. Louis City but who also desires to qualify in St. Charles County.

Will you please give us an opinion as to whether or not we can issue two commissions to one person. Thanks."

Notaries public are officers appointed by the governor by virtue of the provisions of Section 11738 R.S. Mo. 1929, which is as follows:

"The governor shall appoint and commission in each county and incorporated city in this state, as occasion may require, a notary public or notaries public, who may perform all the duties of such office in the county for which such notary is appointed and in adjoining counties. Each such notary shall hold office for four years, but no person shall be appointed who has not attained the age of twenty-one years, and who is not a citizen of the United States and of this state. It shall be the duty of every such notary when he performs an official act outside his or her own county to state in his or her certificate that the county in which such act is performed adjoins the county within and for which he was appointed and commissioned."

While this section does not specifically provide that a person cannot hold two notary commissions, Section 11741 R.S. Mo. 1929 sheds some light on this question, which section reads as follows:

"Every notary public shall provide a notarial seal, on which shall be inscribed his name, the words 'notary public,' the name of the county or city, if appointed for such city, in which he resides and has his office, and the name of the state; shall designate in writing, in any certificate signed by him, the date of the expiration of his commission. No notary public shall change his seal during the term for which he is appointed, and he shall authenticate therewith all his official acts, and the record and copies, certified by the proper custodian thereof, shall be received in evidence."

In arriving at the full meaning of the Notary Public Act, both of these sections should be read together.

In construing statutes relating to one subject matter, the provisions of such statutes should be construed together and construed so as to harmonize to effectuate all the provisions if possible. *Blyston-Spencer v. United Railways Company of St. Louis*, 152 Mo. App. 118.

Said Section 11738 provides that each notary public shall hold office for four years and Section 11741 requires the notary to obtain a seal, showing the county or city, if appointed in such city, in which he resides. From a reading of the foregoing sections, it appears that the lawmakers intended that a notary public should be in possession of only one commission at a time and that for a period of four years; and as a person can have only one residence, it is evident that lawmakers intended for the notary public to possess only one commission at a time because said Section 11741 provides that the seal of the notary public should state the county of his residence and that he should not change the seal during his term.

Prohibiting the notary public from changing his seal during his term further evidences the fact that he would not be authorized to hold two different commissions at the same

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time for if he did it would necessitate the changing of his seal for the second commission. Such seal for the second commission showing the county to which it was issued and the residence of the party to whom it was issued which would be in conflict with the information shown on the seal used under the first commission. In other words, one or the other of the seals could not state the true facts as to the residence of the notary.

CONCLUSION

This office is, therefore, of the opinion that no person is authorized to hold at the same time notary public commissions issued to him for different counties in the state of Missouri.

Respectfully submitted,

TYRE W. BURTON  
Assistant Attorney General

APPROVED:

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J. E. TAYLOR  
(Acting) Attorney General

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