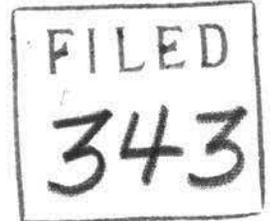


September 9, 1965



Mr. Eugene P. Walsh
Legal Assistant
Executive Office
Jefferson City, Missouri

Dear Mr. Walsh:

In your letter of August 30, 1965, you requested an opinion from this office as follows:

"This office has received a request to appoint and commission a notary in a place other than her place of residence, to-wit: her place of employment in a county office.

"May this be done under the provisions of Section 485.020?"

Section 486.010, RSMo 1959, provides in part that the Governor can 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 duties of such office in the county for which such notary is appointed and in adjoining counties. It further provides that no person shall be appointed a notary public who has not attained the age of twenty-one years, and who is not a citizen of the United States and of this state.

Section 486.040, RSMo 1959, provides 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."

(Emphasis supplied)

Mr. Eugene P. Walsh

In *Silver v. Kansas City, St. Louis & Chicago Railway Company*, 21 Missouri Appeals 5, l.c. 9, the court stated:

" * * * Under our statute a notary public can only transact his official business in the county for which he was appointed and in which he resides. * * * "

The above decision was rendered in 1886, the statutes in effect at that time are found in Chapter 134, Laws of Missouri, 1879. Since the above decision was rendered, the statutes have been amended to permit a notary public to perform official acts in the county in which he was appointed and in adjoining counties; and, effective October 13, 1965, he may perform official acts in any other county in the state in which he has previously filed a certified copy of his appointment. With this exception, the statutes remain in substantially the same language as when this opinion was rendered. They are now found in Chapter 486, RSMo 1959.

In construing two or more statutes relating to the same subject, they should be read together and harmonized so as to give force and effect to each section. *Powers v. Johnson*, 306 SW 2d 616.

Section 486.010, RSMo 1959, requires a notary public to be a citizen of the United States and of this state. It is silent on the question of residence. However, Section 486.040 requires each notary to have a notary seal with his name inscribed thereon together with the name of the county or city in which he resides and has his office, and the name of the state. Considering these statutes together we believe it was intended for the notary public to reside and have his office in the county in which he is appointed and commissioned.

It is the opinion of this office that a person can be appointed and commissioned as a notary public only in the county or city in which he resides.

Very truly yours,

NORMAN H. ANDERSON
Attorney General

MM/jlf