

Notary Public, Seals of. Notary Public, Old Commissions and Jurisdictions Thereunder.

Under the new notary public law notarial seals do not have to be changed so long as they contain the words required by the law. The name of the county is mere surplusage. The law expressly provides that old commissions hold good until the date of their expiration, and that notaries public having such old commissions have jurisdiction co-extensive with the boundaries of the state, and notaries public must show when their commission expires.

Helena, Montana, March 13, 1909.

Hon. A. N. Yoder, Secretary of State, Helena, Montana.

Dear Sir:

I am in receipt of your letter of the 13th inst., requesting an opinion upon the following questions:

1. Will notarial seals have to be changed immediately so as to comply with the new law governing notaries public?

2. Will an old commission hold good until the expiration of the time for which it was issued?

3. Can they act the same as a new commissioned notary public within the borders of the state?

4. What changes, if any, are made to the law as to the affixing of the official signature of a notary public?

We will answer your questions in the order presented.

Subdivision 5 of Section 320, as amended, provides that the official seal of a notary public must have engraved thereon the words "State of Montana," and the words "notarial seal," and the surname of the notary and at least the initials of his christian name. Notary public seals heretofore were required to have, in addition to the above, the name of the county. In our opinion it is unnecessary to get a new seal, with the name of the county omitted, for the reason that the name of the county is merely surplusage, and as the old seals heretofore used contain all that is required to be on the seal under the new law, such old seals can be used without any change. Of course, seals hereafter used need not have the name of the county engraved thereon.

In answer to your second question, you are advised that the old commission will hold good until the expiration of the time for which it was issued.

In answer to your third question, you are advised that under Section 4 of the law, as amended, it is expressly provided that "every notary public now holding a commission from the governor of the State of Montana shall have like jurisdiction" with persons receiving a commission as notary public under the new law, which gives a notary public jurisdiction in every county of the state.

In answer to your fourth question, you are advised that under subdivision 6 of Section 320, as amended, a notary public must add after his signature the following words: "Notary public for the State of Montana, residing at,," and must also endorse after his signature the following: "My commission expires on the day of, 19....."

Very truly yours,

ALBERT J. GALEN,

Attorney General.