

Notary Public, Revoking Commission of. Commission, of Notary Public, Revocation of by Governor. Governor, Authority of to Revoke Notarial Commission.

The Governor has the authority to revoke the commission of any Notary Public for any cause he may deem sufficient.

February 10, 1915.

Hon. S. V. Stewart, Governor,
Helena, Montana.

Dear Sir:

I am in receipt of oral inquiry relative to revocation of the appointment and commission of an Notary Public. Section 329, Revised Codes, provides:

“Upon ten days notice, the Governor may revoke the commission of any Notary Public for any cause he may deem sufficient.”

Section 406 also provides that the officer with whom the official bond is filed, may make an order declaring the office vacant, and releasing the surety. This whole section applies more particularly to other offices than to that of Notary Public. However, it is authority for the officer with whom the notary's bond is filed to make an order releasing the surety. I am informed by the Secretary of State that the notice of the American Surety Company as bondsman for Rocco Marmorale, Notary Public, was served on the Secretary of State on January 25th, 1915, and that on that day notice was mailed to said Rocco Marmorale, but that no reply has been made thereto, nor has any new or supplemental bond been filed. More than ten days has elapsed since the giving of this notice to said Notary; hence, under the provisions of the law above quoted, you have authority at any time, in case you deem the cause sufficient to revoke the commission heretofore issued to said Rocco Marmorale as Notary.

Yours very truly,
D. M. KELLY,
Attorney General.