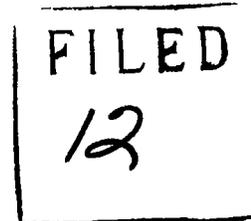


STATE SEAL: Use of by Secretary of State.

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March 4, 1941.



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

Dear Sir:

Replying to yours of recent date wherein you requested an opinion from this Department on the question of the use of the Great Seal of the State and the field in which the seal of the Secretary of State belongs, we find that Section 20 of Article V of the Constitution provides for the Great Seal of the State and the use thereof and who shall be custodian. This section is as follows:

"The Secretary of State shall be the custodian of the seal of the State, and authenticate therewith all official acts of the Governor his approval of laws excepted. The said seal shall be called the 'Great Seal of the State of Missouri,' and the emblems and devices thereof, heretofore prescribed by law, shall not be subject to change."

Section 12996 R. S. Mo. 1939, which apparently was enacted as an enabling act to the foregoing section of the Constitution, provides as follows:

"He shall affix the seal of the state to and countersign all commissions and other official acts required by law to be issued or done by the governor, his approbation or disapprobation of the acts of the general assembly excepted, and all other instruments, when required or authorized by the governor."

Section 12997 R. S. Mo. 1939 applies to copies of public acts and the affixing of the seal of the Secretary of State thereto. This section is as follows:

"He shall make out and deliver to every person requiring the same copies of any act, resolution, order of the general assembly, commission or other official act of the governor, roll, record, document, paper, bond or recognizance, deposited in his office by law, and shall certify such copies, under his hand, and affix thereto the seal of his office; and such copies shall be admitted as evidence in all courts of this state."

There may be other instances wherein the General Assembly has authorized the Great Seal of the State to be used for instance, Section 12700 R. S. Mo. 1939 provides that the Great Seal of the State shall be attached to deeds executed by the Governor under Article II, Chapter 81, R. S. Mo. 1939; under Section 13120, the General Assembly provided that the Great Seal of the State attached to bonds and state certificates of indebtedness and under Section 5322 R. S. Mo. 1939, the Great Seal of the State may be attached to certified copies of articles of association of corporations. There may be other sections of the statute in which the General

Assembly has authorized the Great Seal of the State to be used, but without such authority the Secretary of State is only authorized to use the Great seal of the State as is provided by said Section 20 Article V of the Constitution and Section 12996 R. S. Mo. 1939 which is an enabling act to the aforesaid constitutional provision.

As to your suggestions for the form of the seal of the office of the Secretary of State will say that we do not find any statute prescribing a form, and personally think the one formerly used by that office would not be inappropriate. From our research of the statutes we fail to find where the lawmakers have definitely provided for a seal for that office, but by implication they have intended that the office have a seal because in said Section 12997, R. S. Mo. 1939, they have directed that the seal of the office of the Secretary of State be affixed to certified copies which are made by that office. We are therefore of the opinion that the Great Seal of the State should only be affixed to commissions and other official acts required by law to be issued or done by the governor, and all other instruments when required or authorized by the governor, or by statute.

Respectfully submitted,

TYRE W. BURTON  
Assistant Attorney-General

APPROVED:

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VANE C. THURLO  
(Acting) Attorney-General