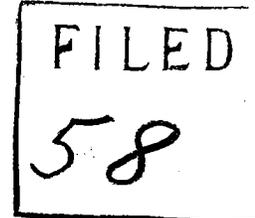


NOTARIES PUBLIC: Jurisdiction of notaries public in the
JURISDICTION: City of St. Louis in adjoining counties.

September 18, 1947



Mr. U. A. McBride
Commission Clerk
Office of Secretary of State
Jefferson City, Missouri

Dear Sir:

This is in reply to your letter of recent date wherein you request an official opinion on the following statement of facts:

"We are this date in receipt of a letter from a Notary Public, commissioned for the City of St. Louis, who desires to know if he changes his place of residence to St. Louis County, if he will have the right to take acknowledgements in the City of St. Louis, as well as St. Louis County and adjoining counties.

"The law makes no mention of St. Louis City, being considered as one of the adjoining counties."

Section 13360, R.S. Mo. 1939, which relates to the appointment, commission and jurisdiction of notaries public, reads 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

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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."

It will be noted from this section that a notary public has jurisdiction to perform official duties in the county in which he is commissioned and in the adjoining county.

Your question is presented on account of the fact that there might be some question whether or not a notary public in the City of St. Louis could perform official duties in an adjoining county because of the fact that the City of St. Louis might not be considered as an adjoining county. We think this question is solved by the provisions of Section 655, R.S. Mo. 1939, which relates to rules of statutory construction. This section reads, in part, as follows:

"The construction of all statutes of this state shall be by the following additional rules, unless such construction be plainly repugnant to the intent of the legislature, or of the context of the same statute: * * * *
* * * nineteenth, whenever the word 'county' is used in any law, general in its character to the whole state, the same shall be construed to include the city of St. Louis, unless such construction be inconsistent with the evident intent of such law, or of some law specifically applicable to such city; * * * *"

Under this construction the City of St. Louis would be considered as a county under the terms of said Section 13360, supra.

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Conclusion.

Therefore, it is the opinion of this department that a notary public of the City of St. Louis would have jurisdiction to perform official duties in St. Louis County or any other county adjoining the City of St. Louis.

Respectfully submitted,

TYRE W. BURTON
Assistant Attorney General

APPROVED:

J. E. TAYLOR
Attorney General

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