



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

PRICE DANIEL  
ATTORNEY GENERAL

June 25, 1949

Hon. C. A. Pounds  
County Attorney  
Chambers County  
Anahuac, Texas

Opinion No. V-849

Re: The eligibility of a married  
woman under 21 years of age  
to be a notary public.

Dear Mr. Pounds:

You have requested an opinion regarding the  
following question:

"Is a married woman under twenty-one (21)  
years of age legally eligible for appointment  
as a Notary Public?"

Section 2 of Article 5949, V.C.S., as amended,  
provides:

"To be eligible for appointment as Notary  
Public for any county, a person shall be a  
citizen of this state and at least twenty-one  
(21) years of age, and a resident of the county  
for which he is appointed; provided, that  
where such person resides within the limits of  
a county containing an incorporated city, town  
or village partially located in another county,  
said person may be appointed Notary Public  
for either of such counties, but shall be au-  
thorized to act only in the county for which  
such appointment is made; provided further,  
that nothing herein shall invalidate any com-  
mission as Notary Public which has been issued  
and is outstanding at the time this Act be-  
comes effective."

This Article as amended placed an eligibility  
requirement for Notaries Public, to-wit: that a person  
to be eligible for appointment shall be at least 21 years  
of age. No exception is given relative to this qualifi-  
cation.

In Attorney General's Opinion No. 0-2918, by a  
prior administration, it was held that a minor was not

eligible for an appointment as Notary Public even though such minor's disabilities had been removed in accordance with the provisions of Article 5923.

Article 4625, V.C.S., provides that "every female under the age of 21 years who shall marry in accordance with the laws of this State, shall from and after the time of such marriage, be deemed of full age and shall have all the rights and privileges to which she would have been entitled had she been at the time of her marriage of full age." Following the reasoning in Opinion 0-2918 it is our opinion that Article 5949 has the effect of making an exception to the provisions of Article 4625.

Section 3 of Article 5949 provides:

"Any person desiring appointment as Notary Public shall furnish to the County Clerk of the county of residence of the applicant, or the county in which the applicant seeks to act as Notary Public, his name as it will be used in acting as such Notary public, his post office address, and shall satisfy the Clerk that he is at least twenty-one (21) years of age and otherwise qualified by law for the appointment which is sought."

It is our further opinion that it would be impossible for the person in question to comply with the above quoted provisions since she is actually under 21 years of age. It is therefore our opinion that a married woman under 21 years of age is not eligible to be a Notary Public.

SUMMARY

A married woman under 21 years of age is not eligible to be a Notary Public. Article 5949, V.C.S.

Yours very truly,

APPROVED

ATTORNEY GENERAL OF TEXAS

s/s Joe R. Greenhill  
Joe R. Greenhill  
FIRST ASSISTANT  
ATTORNEY GENERAL

By /s/ John Reeves  
John Reeves  
Assistant

JR:bh:jrb