

REVISED LAWS

MINNESOTA

1905

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age commission may take possession of the land they deem necessary, and commence and prosecute the work required from and after the date of the filing of the petition in the district court.

2651. County board to repair ditches—The county board of every county where ditches are constructed under this chapter, shall preserve such ditches or drains from growth of weeds or accumulation of debris and any expense thereof shall be paid out of the general county fund.

07 2651 75

CHAPTER 45

SEALS

2652. Private seals abolished—Private seals are abolished, and all written instruments formerly required by law to be sealed shall be equally effective for all purposes without a seal; but nothing herein shall apply to the use of corporate seals. ('99 c. 86)

80-397, 83+385; 90-393, 96+1128. See 93-106, 100+636.

2653. Great seal—Description, where deposited—The seal heretofore used as the seal of the state is declared to be the seal thereof; and a description of the same, in writing, shall be recorded with the secretary of state, and remain a public record in his office. (2208)

2654. Form of official seals—Upon every seal of a court or officer authorized or required to have a seal there shall be engraved the same device that is engraved on the seal of the state, and the name of the court or office in which it is to be used. Such seals shall be one and five-eighths inches in diameter. (2209)

40-65, 70, 41+459.

2655. Temporary seal, when used—When any court of record is unprovided with a seal, the judge thereof may authorize the use of any temporary seal, or of any device by way of seal, until one is provided. (2210)

CHAPTER 46

NOTARIES PUBLIC

2656. Appointment—Fee—The governor may appoint and commission as notaries public, by and with the advice and consent of the senate, as many citizens of this state, over the age of twenty-one years, resident in the county for which appointed, as he deems necessary. The fee for each commission shall not exceed three dollars, and shall be paid to the governor's private secretary. (2268)

2657. Term—Bond—Oath—Every notary so commissioned shall hold office for seven years, unless sooner removed by the governor or the district court; and, before entering upon the duties of his office, he shall give a bond to the state in the sum of two thousand dollars, to be approved by the governor, conditioned for the faithful discharge of the duties of his office, which, with his oath of office, shall be filed with the secretary of state. (2269)

Liability on defective bond (55-187, 56+751).

2658. Seal—Register—Every notary shall provide himself with an official seal, with which he shall authenticate his official acts, and upon which shall be engraved the arms of this state, the words "Notarial Seal," and the name of the county in which he resides. Such seal, with his official register, shall be exempt from execution, and, on his death or removal from office, such

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register shall be deposited with the clerk of the district court of his county. (2270)

Official acts of notary void unless authenticated by seal (28-118, 9+636; 39-102, 38+801; 81-225, 83+835. See 49-235, 51+920; 36-243, 31+211; 36-9, 29+338).

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2659. Powers—Every such notary shall have power throughout the state, while residing in the county for which he was appointed, to administer all oaths required or authorized by law, to take and certify depositions, acknowledgments of deeds, and other instruments, and to receive, make out, and record notarial protests. (2271) See 1905 c. 48

May administer oath required by ordinance (84-281, 87+764). Attorney in action, if a notary, may take affidavit of service of summons therein (18-90, 72).

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2660. Record of commission—Certificates—The commission of every notary shall be recorded in the office of the clerk of the district court of the county for which he is appointed, in a book kept for that purpose, on payment of a fee of one dollar; and thereafter such clerk, when requested, shall certify to his official acts in the same manner and for the same fees allowed by law for similar certificates to authenticate acts of justices of the peace. (2272)

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2661. Misconduct—Any notary who shall exercise the duties of his office after the expiration of his term, or when otherwise disqualified, or who shall append his official signature to acknowledgments or other documents when the parties executing the same have not appeared before him, shall be guilty of a misdemeanor. (2273)

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100-M - 290

2662. Protests—Every notary protesting any bill of exchange or promissory note for non-acceptance or non-payment shall give notice thereof in writing to each party protested against, immediately after such protest is made; and such notice may in all cases be given by depositing the same in the post-office, postage paid, and directed to the party protested against, at his reputed place of residence; and the notary shall, in such instrument of protest, certify to the time and manner of service of such notice upon the several parties protested against, and shall make a record of such instrument of protest in his official register, which record, or a certified copy thereof, shall be prima facie evidence of the facts therein contained. (2274)

3-323, 227; 7-426, 341; 16-68, 56; 28-337, 9+872.

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2663. Instrument of protest as evidence—The instrument of protest of any notary of this state, or of any other state or territory of the United States, accompanying any bill of exchange or promissory note which has been protested by such notary for non-acceptance or for non-payment, shall be received in all the courts of this state as prima facie evidence of the facts therein certified; but any party may contradict such certificate by other evidence. (2275)

7-426, 341; 16-68, 56; 17-209, 183; 19-396, 342; 28-337, 9+872; 31-329, 17+863; 61-291, 63+739; 69 Fed. 798.

2664. Taking depositions—In taking depositions, he shall have the same power to compel the attendance of and to punish witnesses for refusing to testify which may be vested by law in justices of the peace, and all sheriffs and constables shall serve and return all process issued by such notaries in taking depositions. (2276)

2665. Removal from office—Every notary who shall charge or receive a fee or reward for any act or service done or rendered by him under this chapter greater than the amount allowed by law, or who dishonestly or unfaithfully discharges his duties as notary, shall, on complaint filed and substantiated as in other civil cases in the district court of the county in which he resides, be removed from office by such court. The fact of such removal shall thereupon be certified by the clerk to the governor, and the person so removed shall thereafter be ineligible to such office. (2277)