

REVISED LAWS OF  
MINNESOTA 94

SUPPLEMENT 1909

CONTAINING

THE AMENDMENTS TO THE REVISED LAWS,  
AND OTHER LAWS OF A GENERAL AND  
PERMANENT NATURE, ENACTED  
BY THE LEGISLATURE IN  
1905, 1907, AND 1909

WITH HISTORICAL AND EXPLANATORY NOTES TO PRIOR STATUTES  
AND FULL AND COMPLETE NOTES OF ALL  
APPLICABLE DECISIONS

COMPILED AND ANNOTATED BY  
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or contracts for the construction thereof, and the county auditor has, or county auditors, as the case may be, or any of them, have executed and filed in the office of the register of deeds the tabular statement provided for in said acts, or any thereof, respectively, making assessments for the cost of the location, establishment and construction of the same within such county against the land, corporations and roads benefited thereby, and no appeals have been taken therefrom or from any of such proceedings, or if such appeals have been taken, that the same have been determined before the passage of this act, then the said proceedings and all assessments or liens so levied or attempted to be assessed or levied, for the actual cost of such work, including damages awarded, are hereby legalized and declared to be valid and in full force and effect until paid in the time and manner set forth in said acts respectively. ('09 c. 10 § 1)

**Historical.**—"An act to legalize certain proceedings heretofore taken for the drainage of lands in certain cases." Approved February 8, 1909. See notes under sections [2651—] 44, [2651—] 117.

[2651—]190. **Same—Rights not affected.**—This act shall not apply to or affect the right of appeal from such proceedings as now provided by law, or any actions or appeals now pending in which the validity of said proceedings is called in question. ('09 c. 10 § 2)

## CHAPTER 46.

### NOTARIES PUBLIC.

#### 2657. Term—Bond—Oath.

**Liability—Sureties.**—If a notary certifies to an acknowledgment of an instrument without personal knowledge as to the identity of the party and without careful investigation of such fact, he is guilty of negligence, and he and the sureties on his bond are liable for damages proximately resulting therefrom. *Barnard v. Schuler*, 100 Minn. 289, 110 N. W. 966.

#### 2659. Powers.

See section [2659—] 1.

[2659—]1. **Same—Date of expiration of commission to be indorsed.**—Each notary public so appointed, commissioned and qualified, shall have power throughout this state, while residing within the county for which he was appointed, to administer all oaths required or authorized to be administered in this state; to take and certify all depositions to be used in any of the courts of this state; to take and certify all acknowledgments of deeds, mortgages, liens, powers of attorney and other instruments in writing, and to receive, make out and record notarial protests. Every notary public, taking an acknowledgment of an instrument, taking a deposition, administering an oath, or making a notarial protest, shall, immediately following his signature to the jurat or certificate of acknowledgment, indorse the date of the expiration of his commission; such indorsement may be legibly written, stamped or printed upon the instrument, but must be disconnected from the seal, and shall be substantially in the following form: My commission expires \_\_\_\_\_, 19—. (G. S. 1894, § 2271, as amended by Laws 1905, c. 48, § 1.)

**Historical.**—By section 2 the act took effect January 1, 1906. G. S. 1894, § 2271, was G. S. 1866, c. 26, § 4, which was repealed by R. L. § 5518; its provisions being incorporated in section 2659. So far as the amended section above set forth differs from the Revised Laws, it is to be construed, by virtue of section 5504, as amendatory or supplementary.

**In general.**—Taking proof or acknowledgment of execution of an instrument is an act ministerial in its nature, and not judicial. *Barnard v. Schuler*, 100 Minn. 289, 110 N. W. 966.

§ [2660—]1 RESIGNATIONS—VACANCIES—REMOVALS. (Ch. 47)

[2660—]1. **Notary in detached county—Powers.**—That in any county which has heretofore been detached from another county of this state, and which has been newly created and organized, any notary public residing in such newly created and organized county, who was a resident of the county from which such new county was detached and created shall have the same powers during the unexpired term of his appointment as such notary public which he was authorized by law to exercise under the commission issued to him as a resident of the county from which said new county was detached and created, and within which he was originally appointed such notary public; and all acts heretofore done by any such notary public, while residing in said newly created and organized county, otherwise in conformity of law, are hereby declared to be legal and valid and to the same effect as if said notary public had been originally commissioned as a resident of said newly created and organized county; provided, that the provisions of this section shall not apply to any action or proceeding now pending in any court in this state. ('07 c. 323 § 1)

**Historical.**—"An act relating to notaries public and their powers in certain counties." Approved April 23, 1907.

[2660—]2. **Same—Record of commission.**—Such notary public so residing in said newly created and organized county shall have his commission as such notary public recorded by the clerk of the district court of said newly created and organized county in which he resides, or of the county to which said newly created county is attached for judicial purposes as provided in section two thousand six hundred sixty, Revised Laws 1905, and when so recorded shall be entitled to the same certificate of and from the clerk of said district court as provided in said section two thousand six hundred sixty, Revised Laws 1905. ('07 c. 323 § 2)

[2660—]3. **Same—Seal.**—Such notary shall also immediately upon the adoption of this act, provide himself with an official seal as provided in and in conformity with section two thousand six hundred fifty-eight, Revised Laws 1905. ('07 c. 323 § 3)

**2661. Misconduct.**

Cited in *Barnard v. Schuler*, 100 Minn. 289, 110 N. W. 966.

**2663. Instrument of protest as evidence.**

Cited in *Peabody v. Citizens' State Bank of St. Charles*, 98 Minn. 302, 108 N. W. 272.

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## CHAPTER 47.

### RESIGNATIONS—VACANCIES—REMOVALS.

**2667. Vacancies.**

**Subd. 4.**—In quo warranto to determine the right to the office of county superintendent, the evidence did not show that respondent had ceased to be a resident of the county, and thereby vacated his office. *State ex rel. Young v. Hays*, 105 Minn. 399, 117 N. W. 615.

**2668. Removal by governor.**

**Removal.**—The county commissioners have no power to remove the county superintendent of schools. *State ex rel. Young v. Hays*, 105 Minn. 399, 117 N. W. 615.