

Nineteen Hundred Thirty-One
Supplement

to

Mason's Minnesota Statutes

(1927 thru 1931)

Containing the text of the acts of the 1929 and 1931 Sessions of the
Legislature, both new and amendatory, and notes showing repeals,
together with annotations from the various courts, state
and federal, construing the constitution, statutes,
charters and court rules of Minnesota



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CHAPTER 46
Notaries Public

§6938. Term—Bond—Oath.

Owner of property had no cause of action against a notary public for wrongful and false certificate of the execution of a bill of sale which was forged, the plaintiff not being divested of his title by the forged instrument. *Zitlow v. C.*, 221NW244.

§6946. Misconduct.

The violation of this section as well as section 10323 did not prevent a prosecution under that section. 171M345, 214NW262.

CHAPTER 47
Resignations—Vacancies—Removals

§6953. Vacancies.

Failure of town treasurer to qualify creates a vacancy which may be filled by appointment. *Op. Atty. Gen.*, Mar. 21, 1929.

Whether village treasurer who has obtained a position in another state may still hold the office depends upon whether or not he has ceased to be an inhabitant of the village. *Op. Atty. Gen.*, Mar. 4, 1931.

Subd. 5.

A public officer, on conviction of violation of the federal liquor laws, forfeits his office. *Op. Atty. Gen.*, Feb. 10, 1930.

§6954. Removal by governor.

The duties of the governor under this section are not mandatory, are not merely ministerial, and cannot be coerced by mandamus. 179M337, 229NW313.

Protracted absences of justice from his town might amount to nonfeasance in office. *Op. Atty. Gen.*, Mar. 19, 1929.

§6955. Special commissioner to take testimony.

179M337, 229NW313.

CHAPTER 48
Oaths and Acknowledgments

OATHS

§6963. Oath of office.

A director of an independent school district who has taken an oath of office need not take a second oath when chosen as treasurer by the members of the school board. 171M376, 214NW 258.

A public officer, on conviction of violation of the federal liquor laws, forfeits his office. *Op. Atty. Gen.*, Feb. 10, 1930.

§6965. Forms of oath, etc.

Attorneys suspended for misconduct. 177M 203, 225NW97.

ACKNOWLEDGMENTS

§6981. Execution according to foreign law.—All deeds and other instruments may be executed and acknowledged in a foreign country in accordance with the laws of the place of execution.

If the instrument be made out of the state, and in accordance with the laws of the place of execution, the fact that it was executed according to such laws, shall be proved as follows:

1. If within the United States, by the certificate of the clerk or other certifying officer of a court of record of the county or district in which the acknowledgment was taken, un-

der the seal of such court, or by the secretary of the state or territory, under the seal thereof.

2. If in a foreign country, by the certificate of an officer of the United States authorized by this chapter to take acknowledgments therein, under his seal of office, if there be one.

3. If there be no such officer of the United States therein, then by the certificate of a counselor or diplomatic officer of any other nation with which the United States has diplomatic relations, in which case, the seal of such consular or diplomatic officer shall be certified by his Foreign Office or by the diplomatic representative of such nation in the United States.

4. Any instrument heretofore or hereafter executed, acknowledged and certified as provided herein, shall entitle such instrument to be admitted and read in evidence in all courts and elsewhere without other proof of execution. (As amended Apr. 18, 1931, c. 201.)

§6983. Acknowledgments after expiration of commission—Curative.

Laws 1929, C. 169, and Laws 1929, C. 214, legalizes acknowledgements taken by person after expiration of term.