

CHAPTER 359

NOTARIES PUBLIC

359.02 TERM; BOND; OATH.

Cases involving actions in damages against a notary public and his sureties. *Martin v Hornsby*, 55 M 187, 56 NW 751; *Barnard v Schuler*, 100 M 289, 110 NW 966; *Baume v Solheim*, 129 M 221, 152 NW 267; *Mpls. St. Ry. v Hare*, 168 M 423, 210 NW 161; *Zitlow v Chisholm*, 175 M 352, 221 NW 244.

359.03 SEAL; REGISTER.

Amended by L. 1947 c. 42 s. 1; L. 1947 c. 372 s. 1.

Laws 1947, c. 372, amending sections 359.03, 359.04, and 359.05, is ineffective. Under provisions of section 359.01, the commission of a notary should still confine his powers to the county of his residence where commissioned. Under section 351.02 a notary vacates his office when he takes permanent residence in a county other than the one for which he was appointed. OAG June 5, 1947 (320-i).

359.04 POWERS.

Amended by L. 1947 c. 372 s. 2.

Under the provisions of 5 USCA, s. 92, notaries of the several states have the same rights to administer oaths and take acknowledgments as may be exercised by court commissioners under the federal statutes. Consequently a notary public commissioned within this state may administer oaths as a notary public even though he exercises his powers on the Ft. Snelling reservation. OAG Oct. 23, 1946 (320-G).

If a notary changes his legal residence from one county to another county his commission becomes void, and upon returning to the original county of his domicile he must take out a new commission. OAG Aug. 20, 1927 (320-I).

359.05 DATE OF EXPIRATION OF COMMISSION AND NAME TO BE ENDORSED.

Amended by L. 1947 c. 372 s. 3.

In an action for damages by reason of a defective acknowledgment if the damages are only nominal the rule of de minimis applies. 16 MLR 440.