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GENERAL STATUTES

OF THE

STATE OF MINNESOTA.

PREPARED BY THE COMMISSIONERS APPOINTED TO REVISE
THE STATUTES OF THE STATE, BY ACT OF THE
LEGISLATURE, PASSED FEBRUARY 17, 1863.

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CHAPTER XXVI.

NOTARIES PUBLIC.

1 SECTION 1. The governor is authorized to appoint and C. S. p. 133, Sect. 01. c 5
 2 commission as notaries public, by and with the advice and
 3 consent of the senate, as many persons having the qualifica-
 4 tions of electors, and resident in the several counties of this
 5 state, as he deems necessary.

1 • SECT. 2. Each notary public, so appointed and com- C. S. p. 133, Sect. 02. c 5
 2 mitted, shall hold his office for the term of two years,
 3 unless sooner removed by the governor or the district court:
 4 and before entering upon the duties of his office, he shall
 5 give a bond to the state of Minnesota, in the sum of two
 6 thousand dollars, with sureties to be approved by the gov-
 7 ernor, conditioned for the faithful discharge of the duties
 8 of his office, and he shall take and subscribe the oath re-
 9 quired by law, and the same with his bond shall be deposited
 10 in the office of the secretary of state.

1 SECT. 3. Each notary public, before entering upon the C. S. p. 134, Sect. 03. Amended. c 5
 2 duties of his office, shall provide himself with the proper
 3 official seal, with which he shall authenticate his official acts,
 4 upon which shall be engraved the arms of this state, the
 5 words "notarial seal," and the name of the county in which
 6 he resides, which seal, together with his official register,
 7 shall be exempt from execution; and on the death or re-
 8 moval from office of such notary public, his register shall
 9 be deposited in the office of the clerk of the district court
 10 of the county in which such notary resides.

1 SECT. 4. Each notary public so appointed, commission- C. S. p. 134, Sect. 04. c 5
 2 ed and qualified, shall have power throughout this state,
 3 while residing within the county for which he was appointed,
 4 to administer all oaths required or authorized by law to be
 5 administered in this state, to take and certify depositions to
 6 be used in any of the courts of this state, to take and certify
 7 to all acknowledgments of deeds, mortgages, liens, powers
 8 of attorney, and other instruments in writing, and to re-
 9 ceive, make out and record notarial protests. *New*

1 SECT. 5. Any notary public exercising the duties of his
 2 office after the expiration of his commission or term of of-
 3 fice, or when otherwise disqualified, or appending his official

c 37 86
1864—p. 88, Sect. 1.
Amended.

4 signatures to acknowledgments or other documents when
5 the parties executing the same have not appeared before
6 him, is guilty of a misdemeanor, and shall be fined not to
7 exceed one hundred dollars for each offense, to be recovered
8 before any justice of the peace of the county, upon com-
9 plaint, under oath, of any person; and, upon conviction
10 thereof, his term of office shall cease.

c 64
1865—p. 134, Sect. 1.

1 SECT. 6. Whenever any banker, broker, officer, stock-
2 holder, attorney, clerk, or agent of any bank, broker, or
3 banker is appointed to hold the office of notary public, it shall
4 not be lawful for him to receive, make out or record nota-
5 rial protests or otherwise exercise the functions of a notary
6 public, whenever such official acts directly or indirectly
7 appertain to, or affect the business of such bank, broker or
8 banker.

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C. S. p. 134, Sect. 95.

1 SECT. 7. Every notary public, when any bill of ex-
2 change or promissory note is by him protested for non-ac-
3 ceptance or non-payment, shall give notice thereof, in writ-
4 ing, to each party protested against, immediately after such
5 protest is made; and the notary shall in such instrument of
6 protest, certify to the time and manner of the service of
7 such notice upon the several parties so protested against,
8 and shall make a record of such instrument of protest in his
9 official register, which record, or a duly certified copy
10 thereof shall be *prima facie* evidence of the facts therein
11 contained.

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C. S. p. 134, Sect. 96.

1 SECT. 8. The instrument of protest of any notary pub-
2 lic, appointed and qualified under the laws of this state, or
3 the laws of any other state or territory of the United States,
4 accompanying any bill of exchange or promissory note,
5 which has been protested by such notary for non-acceptance
6 or for non-payment, shall be received in all the courts of
7 the state as *prima facie* evidence of the facts therein certi-
8 fied, but any party may contradict, by other evidence, any
9 such certificate.

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C. S. p. 134, Sect.
97. Amended.

1 SECT. 9. In taking depositions, he shall have the same
2 power to compel the attendance of witnesses, and punish
3 witnesses for refusing to testify, which may be vested by
4 law, in justices of the peace; and all sheriffs and consta-
5 bles, and sheriffs in this state, are hereby required to serve
6 and return all process issued by such notaries in taking
7 depositions.

1 SECT. 10. Any notary public who charges or receives
2 any fee or reward for any act or service done or rendered
3 by him under this chapter, greater than the amount herein

4 limited, or who dishonestly or unfaithfully discharges any
 5 of his duties as notary public, shall on complaint filed and C. S. p. 135, Sect. 99. c 5
 6 substantiated in like manner as other cases, in the district
 7 court of the county in which he resides, be removed from
 8 his said office by such court; and the court shall thereupon
 9 certify the fact of such removal to the governor, and the
 10 party so removed shall be thereafter ineligible to a reap-
 11 pointment to the office of notary public in this state.

CHAPTER XXVII.

REPORTER OF SUPREME COURT.

1 SECTION 1: The reporter of the supreme court shall take
 2 the oath required by law, and shall execute a bond to be 1865—p. 76, Sect. 1. c 34
 3 approved by the governor in the sum of five hundred dol-
 4 lars, conditioned for the faithful performance of the duties
 5 of his office.

1 SECT. 2. The reporter shall make careful and accurate
 2 reports of all cases argued and decided by the supreme
 3 court. He shall be entitled to the possession of the origi- 1865—p. 77, Sect. 2.
Amended. c 34
 4 nal files in all cases for a reasonable time, to prepare copies
 5 for publication, and shall report the cases more or less at
 6 large, according to their relative importance. The report
 7 of each case shall contain concise notes of the points deci-
 8 ded, a statement of the facts taken from the record, when
 9 the same are not fully given in the opinion of the court,
 10 the names of the counsel with the points made and authori-
 11 ties cited, (more or less at length in the discretion of the
 12 reporter) and the opinion of the court. He shall publish a
 13 volume of such reports as often as there is sufficient matter
 14 to form a volume of not less than six hundred pages. All
 15 volumes hereafter published shall bear the uniform title of
 16 "Minnesota Reports."

1 SECT. 3. The reporter of each volume shall print and
 2 bind the same at his own expense, he shall have and retain 1865—p. 77, Sect. 3.
Amended. c 34
 3 the exclusive copyright thereof as his own property, and
 4 the state shall purchase from him two hundred volumes of
 5 each edition, bound in the ordinary style of law reports, at
 6 the sum of six dollars per volume.

1 SECT. 4. Of the two hundred copies deposited with the
 2 secretary of state; as above provided, the following state 1865—p. 77, Sect. 4.
Amended. c 34
 3 officers shall be entitled to one copy of each volume, to wit: