

GENERAL STATUTES

OF THE

STATE OF MINNESOTA

36

IN FORCE

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SUPPLEMENT, 1879-1888,

WITH

ANNOTATIONS AND GENERAL INDEX TO BOTH VOLUMES.

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CHAPTER 26.

NOTARIES PUBLIC.

§ 1. Qualifications—Appointment—Commission fee.

The governor is authorized to appoint and commission as notaries public, by and with the advice and consent of the senate, as many persons, having the qualifications of electors, or any other citizen of this state over twenty-one years of age that the governor may deem suitable, and resident in the several counties of this state, as he deems necessary: *providing*, that no greater fee than three dollars shall be charged or received for each commission, and that such fees shall be paid to the governor's private secretary. (*As amended 1887, cc. 30, 85.*)

§ 2. Term—Bond—Oath.

Each notary public so appointed and commissioned shall hold his office for the term of 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 of Minnesota in the sum of two thousand dollars, with sureties to be approved by the governor, conditioned for the faithful discharge of the duties of his office, and he shall take and subscribe the oath required by law, and the same, with his bond, shall be deposited in the office of the secretary of state. (*As amended 1885, c. 48.**)

§ 3. Seal—Register.

The statute being imperative, the seal is essential to the authenticity and legal effect of the acts of the notary. Each act by him must be so authenticated. *De Graw v. King*, 28 Minn. 118, 119, 9 N. W. Rep. 636.

§ 4. Powers.

The attorney of record, if a notary public, may take the affidavit of service of the summons. *Young v. Young*, 18 Minn. 90, (Gil. 72.)

§ 8. (Sec. 9.) Instruments of protest as evidence.

As instruments of evidence, such protests may properly be held to include the certificate of notice to indorsers usually accompanying them, though it is not expressly so stated in the section. *Bettis v. Schreiber*, 31 Minn. 329, 332, 17 N. W. Rep. 863.

This section does not make the protesting of promissory notes and inland bills of exchange necessary to charge the indorser, but simply makes the notary's certificate *prima facie* evidence of the facts certified therein. *Bryant v. Lord*, 19 Minn. 396, (Gil. 342.) See, also, *Kern v. Von Phul*, 7 Minn. 426, (Gil. 341.)

If a notary's record do not show prepayment of postage on the notice of demand and protest, the fact may be proved *aliunde*. *Rogers v. Stevenson*, 16 Minn. 68, (Gil. 56.)

*The amendment changes the term of office from two to seven years, but the act provides that it shall not apply to commissions already issued.