

Statutes
1878

THE
GENERAL STATUTES
OF THE
STATE OF MINNESOTA,

As Amended by Subsequent Legislation.

PREPARED BY
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EDITED AND PUBLISHED UNDER THE AUTHORITY OF CHAPTER 67 OF THE LAWS
OF 1878, AND CHAPTER 67 OF THE LAWS OF 1879.

FOURTH EDITION.

WITH SUPPLEMENTS,
CONTAINING ALL THE GENERAL LAWS IN FORCE UP TO THE END OF
THE LEGISLATIVE SESSION OF 1883.

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upon complaint, under oath, of any person; and, upon conviction thereof, his term of office shall cease.

§ 7. (SEC. 8.) **Protests—notice-record.** Every notary public, when any bill of exchange or promissory note is by him protested for non-acceptance or non-payment, shall give notice thereof in writing to each party protested against, immediately after such protest is made; and such notice may in all cases be given by depositing the same in the post-office, postage paid, and directed to the party protested against, at his reputed place of residence; and the notary shall, in such instrument of protest, certify to the time and manner of service of such notice upon the several parties protested against, and shall make a record of such instrument of protest in his official register, which record, or a duly certified copy thereof, shall be *prima facie* evidence of the facts therein contained. (As amended 1868, c. 44, § 1.)

§ 8. (SEC. 9.) **Instrument of protest as evidence.** The instrument of protest of any notary public appointed and qualified under the laws of this state, or the laws of any other state or territory of the United States, accompanying any bill of exchange or promissory note which has been protested by such notary for non-acceptance or for non-payment, shall be received in all the courts of the state as *prima facie* evidence of the facts therein certified; but any party may contradict, by other evidence, any such certificate.

§ 9. (SEC. 10.) **Powers in taking depositions.** In taking depositions, he shall have the same power to compel the attendance of witnesses, and punish witnesses for refusing to testify, which may be vested by law in justices of the peace; and all sheriffs and constables, and sheriffs in this state, are hereby required to serve and return all process issued by such notaries in taking depositions.

§ 10. (SEC. 11.) **Removal from office.** Any notary public who charges or receives any fee or reward for any act or service done or rendered by him under this chapter, greater than the amount limited by law, or who dishonestly or unfaithfully discharges his duties as notary public, shall, on complaint filed and substantiated in like manner as other cases in the district court of the county in which he resides, be removed from his said office by such court; and the court shall thereupon certify the fact of such removal to the governor, and the party so removed shall be thereafter ineligible to a re-appointment to the office of notary public in this state. (As amended 1867, c. 97, § 2.)

CHAPTER XXVII.

REPORTER OF SUPREME COURT.

SECTION.

1. Oath and bond.
2. Powers and duties—size of volume.

SECTION.

3. Copyright—copies for state.
4. Distribution of reports.

§ 1. **Oath and bond.** The reporter of the supreme court shall take the oath required by law, and shall execute a bond, to be approved by the governor, in the sum of five hundred dollars, conditioned for the faithful performance of the duties of his office.

§ 2. **Powers and duties.** The reporter shall make careful and accurate reports of all cases argued and decided by the supreme court. He shall be entitled to the possession of the original files in all cases for a reasonable time to prepare

copies for publication, and shall report the cases more or less at large, according to their relative importance. The report of each case shall contain concise notes of the points decided, a statement of the facts taken from the record, when the same are not fully given in the opinion of the court, the names of the counsel with the points made and authorities cited, (more or less at length in the discretion of the reporter,) and the opinion of the court. He shall publish a volume of such reports as often as there is sufficient matter to form a volume of not less than six hundred pages. All volumes, hereafter published shall bear the uniform title of "Minnesota Reports."

§ 3. **Copyright—copies for state.** The reporter of each volume shall print and bind the same at his own expense; he shall have and retain the exclusive copyright thereof as his own property; and the state shall purchase from him two hundred volumes of each edition, bound in the ordinary style of law reports, at the sum of six dollars per volume.

§ 4. **Distribution of reports.** Of the two hundred copies deposited with the secretary of state, as above provided, the following state officers shall be entitled to one copy of each volume, to wit: The several judges of the supreme and district courts, the attorney-general, the judges of probate of the several counties. A sufficient number shall be sent as exchanges to the several states of the union by the secretary,* and the balance deposited with the state librarian.

*This duty is now imposed on the librarian. See ante, c. 6. § 60.

Ch. 27, §§ 5 to 13, incl. See 1881 Sup' l, pp. 43, 44.

CHAPTER XXVIII.

AUCTIONEERS.

SECTION.

- 1-2. License—bond.
- 3. Penalty for receiving goods from minors.
- 4-5. Account of sales—sales without license.

SECTION.

- 6. Penalties on occupants of buildings.
- 7. Official sales excepted.
- 8. Duration of license.

§ 1. **License and record.** The board of county commissioners may license, for the term of one year, one or more legal voters of their county, to be auctioneers. The county auditor shall record every license granted.

§ 2. **Bond to be given.** Each auctioneer, before making any sales as auctioneer, shall give a bond to the treasurer in the county in which he resides, with sufficient sureties, to be approved by the said treasurer, in such penal sum as the said treasurer requires, not less than one thousand dollars, nor more than three thousand dollars, with condition to pay all auction duties required by law to the treasurer of the said county; and also that he will in all things well and truly conform to the laws relating to auctioneers; which bond shall be filed in the office of said treasurer, with the indorsement of his approval thereon.

§ 3. **Receiving goods of minors—penalty.** If any person licensed as aforesaid receives for sale at auction, any goods, wares, merchandise, or personal property from any minor or servant, knowing him to be such servant or minor, he shall forfeit a sum not exceeding two hundred dollars for each offence.

§ 4. **Shall keep account of sales.** Every licensed auctioneer shall keep a fair and particular account of all goods, chattels, and property sold by him, the names of the persons from whom the same were received, and the names of the persons to whom the same were sold.