

# REVISED LAWS OF MINNESOTA *94*

## SUPPLEMENT 1909

CONTAINING

THE AMENDMENTS TO THE REVISED LAWS,  
AND OTHER LAWS OF A GENERAL AND  
PERMANENT NATURE, ENACTED  
BY THE LEGISLATURE IN  
1905, 1907, AND 1909

WITH HISTORICAL AND EXPLANATORY NOTES TO PRIOR STATUTES  
AND FULL AND COMPLETE NOTES OF ALL  
APPLICABLE DECISIONS

COMPILED AND ANNOTATED BY  
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## CHAPTER 48.

## OATHS AND ACKNOWLEDGMENTS.

## OATHS.

**2677. Oath of office.**

**In general.**—An oath of office in the language of Const. § 8, art. 5, filed in the proper office, is sufficient, though the particular office be not specially designated therein. State ex rel. Young v. Ladeen, 104 Minn. 252, 116 N. W. 486, 16 L. R. A. (N. S.) 1058.

**2679. Forms of oath in various cases.**

**Subd. 9.**—Cited in State Board of Examiners in Law v. Hart, 104 Minn. 83, 116 N. W. 212, 17 L. R. A. (N. S.) 585.

**2681. By whom and how administered.**

See section [2690—] 1.

**How administered.**—Failure to raise the hand is a mere irregularity, which, under section 4832, is no defense. State v. Day, 121 N. W. 611.

## ACKNOWLEDGMENTS.

[2690—]1. **Officers and stockholders of corporations.**—Any person authorized to take acknowledgments or administer oaths, who is at the same time an officer, director, or stockholder of a corporation, is hereby authorized to take acknowledgments of instruments wherein such corporation is interested and to administer oaths to any officer, director or stockholder of such corporation as such, as fully and effectually as if he were not an officer, director or stockholder of such corporation. ('07 c. 406 § 1)

**Historical.**—“An act authorizing officers, directors and stockholders of a corporation to administer oaths and take acknowledgments of instruments wherein such corporation is interested.” Approved April 25, 1907.

[2692—]1. **Acknowledgments after expiration of commission—Curative.**—That all acknowledgments to any conveyances or other instruments heretofore taken by any person previously appointed or elected and then acting after the expiration of his term as a notary public or other officer authorized to take such acknowledgments, be, and the same are hereby, legalized and made of the same validity as though the term of office of such officer had not expired at the time of taking such acknowledgments, and the record of such conveyances or other instruments is hereby declared to be legal and valid, and effectual for all purposes; provided, that the provisions of this act shall not apply to any action or proceeding now pending in any court of this state. ('05 c. 50 § 1)

**Historical.**—“An act to legalize acknowledgments of conveyances and other instruments, and the record thereof.” Approved March 21, 1905.

[2692—]2. **Acknowledgments before notary of detached county, etc.—Curative.**—That all acknowledgments to any conveyances or other instruments heretofore taken, pending proceedings to determine the legality of any new county detached from another county, by a notary public residing in such new county, but using the seal of and laying the venue in such other county, be and the same are hereby legalized and made of the same validity as though taken in such other county before a notary public residing therein; and the record of such conveyances or other instruments are hereby declared to be legal and valid and effectual for all purposes; provided, that the provisions of this act shall not apply to any action or proceeding now pending in any court of this state. ('05 c. 275 § 1)

**Historical.**—“An act to legalize acknowledgments of conveyances and other instruments, and the record thereof.” Approved April 18, 1905.

[2692—]3. **Acknowledgments before officers of corporations, etc.—Curative.**—That all acknowledgments heretofore taken by a notary public who was also an officer, director or stockholder of a corporation organized under the laws of this state, which corporation was interested as a party to the instruments acknowledged, are hereby legalized and made as effectual as if the notary public had not been an officer, director or stockholder of the corporation interested. ('07 c. 89 § 1)

**Historical.**—"An act to legalize certain acknowledgments taken by officers, directors or stockholders of corporations, as notaries public, of instruments in which the corporation is interested." Approved April 4, 1907.

[2692—]4. **Pending actions.**—The provisions of this act shall not apply in any case where an action is now pending. ('07 c. 89 § 2)

## CHAPTER 49.

### FEES.

[2694—]1. **Fees to be retained in certain counties.**—In all counties containing a population of 26,000 inhabitants and over, where the salary of the clerk of the district court is arbitrarily fixed at eight hundred dollars or less, by special law, and where such clerk is required by special law to pay over to the county all fees collected as such clerk, such clerk shall hereafter receive and retain all fees collected and received by them as such clerks of court, in lieu of said eight hundred dollars annual salary. ('07 c. 268 § 1)

**Historical.**—"An act to provide compensation for clerks of the district court in certain cases." Approved April 20, 1907.

#### 2699. Fees of coroners.— \* \* \*

4. Physicians called by the coroner to make autopsies shall be allowed six dollars per day and mileage as above, and, when the county board shall be satisfied that the autopsy was attended by great and unusual difficulties, they may allow such further sum to the physicians as may be just compensation for the services. This act shall apply to all counties now having or hereafter having a population of less than 275,000, but shall not apply to any county where such fees are now fixed by special laws. (R. L. § 2699, subd. 4, as amended by Laws 1909, c. 271, § 1.)

Section 2 repeals inconsistent acts.

#### 2700. Fees of constables.— \* \* \*

20. A constable shall be allowed all reasonable and necessary expenses actually paid out for food and lodging furnished by him for any prisoner, at not to exceed one dollar per day while having such prisoner in custody pending trial and while conducting such prisoner to jail, together with the transportation charges for said prisoner paid to a common carrier. Provided, that where adjournment is for longer than three days, the prisoner shall be committed to the county jail. (R. L. § 2700, as amended by Laws 1907, c. 190.)

**Historical.**—This section was amended by adding a new subdivision, as above set forth.

#### 2702. Fees of justices of the peace.

**Right of recovery.**—A justice, after he has rendered judgment, may recover his unpaid fees. *Conlon v. Holste*, 99 Minn. 493, 110 N. W. 2.

2706. **Fees of register of deeds.**—For the indexing and recording any deed or other instrument, 10 cents per folio, to be paid when left for record.

2. Every certificate, 10 cents.

3. Copies of any records or papers, 10 cents per folio.