

GENERAL STATUTES

OF

MINNESOTA

1913

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against the land, corporations and roads benefited thereby and no appeals have been taken therefrom or from any of such proceedings, or if such appeals have been taken, that the same have been determined before the passage of this act, then the said proceedings and all assessments or liens so levied or attempted to be assessed or levied for the actual cost of such work, including damages awarded, are hereby legalized and declared to be valid and in full force and effect until paid in the time and manner set forth in the said acts respectively, notwithstanding any failure after the enactment of chapter 384 of the General Laws of 1911, to comply with the provisions of said chapter 384 of the General Laws of 1911, as to the giving of notice of said proceedings or of any hearing therein, provided always that notice of said proceedings or of any hearing therein shall have been given in substantial conformity with the provisions of said chapter 230 of the General Laws of 1905, as amended by said chapter 367 of the General Laws of 1907 and chapter 469 of the General Laws of 1909; and any bonds of any county heretofore issued in connection with any ditch so established, authorized or constructed, and all bonds hereafter to be issued in connection with any ditch so established, authorized or constructed, are hereby declared to be legal and binding obligations of the county issuing the same. ('13 c. 2 § 1)

5702. Same—Rights not affected—This act shall not apply to or affect the right of appeal from said proceedings as now provided by law or any actions or appeals now pending in which the validity of said proceedings is called in question. ('13 c. 2 § 2)

5703. Laws 1905, c. 230 [5523-5589], as amended, etc.—Proceedings legalized—Where the county board of any county in this state has heretofore in pursuance to chapter 230 of the General Laws of 1905 [5523-5589] and acts amendatory thereof and supplementary thereto located and established, or attempted to locate and establish any drainage ditch in any county of this state, and it has been determined by resolution adopted by said board that such ditch will be a public utility and will promote and be conducive to the public health and that the benefits to be derived from the construction thereof are greater than the total cost, including damages awarded, and where such ditch has been actually constructed or the county has entered into a contract or contracts for the construction thereof and such contracts have been partially performed, and the auditor of any such county has executed and filed in the office of the register of deeds the tabulated statement as provided for by law, making assessments for the cost of the location, establishment and construction of such ditch within such county against the land, corporations and roads benefited thereby, and where no appeals have been taken therefrom or from any of such proceedings, or if such appeals have been taken, that the same have been determined before the passage of this act, then the said proceedings from their inception to the time of the letting of said contract and all subsequent proceedings and all assessments or liens so levied or attempted to be assessed or levied and the payments of the actual cost of such work, including the damages awarded, and all proceedings of every kind and description had thereunder, including the service of all notices provided for by law, are hereby legalized and declared to be valid and in full force and effect to the same extent as though all or any of such proceedings had been conducted and had as required by law. ('13 c. 463 § 1)

CHAPTER 45

SEALS

5704. Private seals abolished—Private seals are abolished, and all written instruments formerly required by law to be sealed shall be equally effective for all purposes without a seal; but nothing herein shall apply to the use of corporate seals. (2652)

80-397, 83+385; 90-393, 96+1128. See 93-106, 100+636.

Undisclosed principal bound by covenants in deed (115-373, 132+335).

Undisclosed principal may sue on contract under seal made by his agent (116-280, 133+862, 39 L. R. A. [N. S.] 324).

5705. Great seal—Description, where deposited—The seal heretofore used as the seal of the state is declared to be the seal thereof; and a description of the same, in writing, shall be recorded with the secretary of state, and remain a public record in his office. (2653)

5706. Form of official seals—Upon every seal of a court or officer authorized or required to have a seal there shall be engraved the same device that is engraved on the seal of the state, and the name of the court or office in which it is to be used. Such seals shall be one and five-eighths inches in diameter. (2654)

40-65, 70, 41+459.

5707. Temporary seal, when used—When any court of record is unprovided with a seal, the judge thereof may authorize the use of any temporary seal, or of any device by way of seal, until one is provided. (2655)

CHAPTER 46

NOTARIES PUBLIC

5708. Appointment—Fee—The governor may appoint and commission as notaries public, by and with the advice and consent of the senate, as many citizens of this state, over the age of twenty-one years, resident in the county for which appointed, as he deems necessary. The fee for each commission shall not exceed three dollars, and shall be paid to the governor's private secretary. (2656)

5709. Term—Bond—Oath—Every notary so commissioned shall hold office for 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 in the sum of two thousand dollars, to be approved by the governor, conditioned for the faithful discharge of the duties of his office, which, with his oath of office, shall be filed with the secretary of state. (2657)

Liability on defective bond (55-187, 56+751, 43 Am. St. Rep. 487).

Liability where notary certifies to acknowledgment without personal knowledge as to identity of party (100-289, 110+966).

5710. Seal—Register—Every notary shall provide himself with an official seal, with which he shall authenticate his official acts, and upon which shall be engraved the arms of this state, the words "Notarial Seal," and the name of the county in which he resides. Such seal, with his official register, shall be exempt from execution, and, on his death or removal from office, such register shall be deposited with the clerk of the district court of his county. (2658)

Official acts of notary void unless authenticated by seal (28-118, 9+636; 39-102, 38+801, 12 Am. St. Rep. 619; 81-225, 83+835. See 36-9, 29+338, 1 Am. St. Rep. 632; 36-243, 31+211; 49-235, 51+920).

5711. Powers—Every such notary shall have power throughout the state, while residing in the county for which he was appointed, to administer all oaths required or authorized by law, to take and certify depositions, acknowledgments of deeds, and other instruments, and to receive, make out, and record notarial protests. (2659).

See following section.

May administer oath required by ordinance (84-281, 87+764). Attorney in action, if notary, may take affidavit of service of summons therein (18-90, 72).

Taking proof or acknowledgment ministerial, and not judicial (100-289, 110+966).

5712. Same—Date of expiration of commission to be indorsed—Each notary public so appointed, commissioned and qualified, shall have power throughout this state, while residing within the county for which he was appointed, to administer all oaths required or authorized to be administered in this state; to take and certify all depositions to be used in any of the courts of this state; to take and certify all acknowledgments of deeds, mortgages, liens, powers of attorney and other instruments in writing, and to receive, make out and record notarial protests. Every notary public, taking an acknowledgment of an instrument, taking a deposition, administering an oath,