

# MINNESOTA STATUTES 1953 ANNOTATIONS

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SEALS, OATHS, ACKNOWLEDGMENTS 358.15

## 357.28 COURT COMMISSIONER

HISTORY. Amended, 1949 c 462 s 1.

The fee of the court commissioner in examining a petition for waiver of the waiting period before issuance of a marriage is \$1.00. The fee for entering the order waiving the period is 50 cents. OAG Nov. 23, 1947 (128-B).

## 357.39 CLERKS, CITIES OF FIRST CLASS

HISTORY. 1949 c 472 s 1.

## 357.40 COLLECTIONS CREDITED TO GENERAL FUND

HISTORY. 1949 c 472 s 2.

## CHAPTER 358

### SEALS, OATHS, ACKNOWLEDGMENTS

#### 358.03 FORM OF OFFICIAL SEALS

HISTORY. Amended, 1947 c 199 s 1.

#### 358.05 OATH OF OFFICE

The official year for the State of Minnesota commences on the first Monday in January of each year and all terms of office terminate at that time. Section 375.07 provides that the county board shall meet at the county seat for the transaction of business on the first Tuesday after the first Monday in January and since January 1 is a holiday and the county offices are closed, the newly elected county officers should present their bond and oath to the county board at its first meeting on January 2 and when the bonds are approved and filed, the new officers take office. OAG Dec. 11, 1950 (104-A-13).

While the provision that an officer of the school board must qualify within 10 days after his election is a mandatory provision only, it is grounds for declaring the office vacant and selecting a successor. The officer, however, may qualify at any time before a successor is selected, even though more than 10 days have elapsed. OAG Sept. 12, 1950 (768-G) (451-A-23).

#### 358.09 BY WHOM AND HOW ADMINISTERED

HISTORY. RS 1851 c 46 s 8; 1856 c 11 s 1; 1856 c 12 s 2; PS 1858 c 7 s 31; PS 1858 c 35 s 8, 75; 1865 c 63 s 2; GS 1866 c 72 s 3, 4; 1868 c 61 s 1; 1871 c 91 s 1; 1877 c 93 s 1; 1878 c 49 s 1; GS 1878 c 72 s 3-7; GS 1894 s 5636-5640; RL 1905 s 2681; GS 1913 s 5737; GS 1923 s 6967; MS 1927 s 6967.

#### 358.10 OFFICIALS MAY ADMINISTER, WHEN

HISTORY. RS 1851 c 46 s 8; 1856 c 11 s 1; 1856 c 12 s 1; PS 1858 c 7 s 31; PS 1858 c 35 s 8, 75; 1865 c 63 s 2; GS 1866 s 72 s 3; 1868 c 62 s 1; GS 1878 c 72 s 3; GS 1894 s 5636; RL 1905 s 2682; GS 1913 s 5738; GS 1923 s 6968; MS 1927 s 6968.

#### 358.15 BY WHOM TAKEN IN THIS STATE

HISTORY. 1851 c 8 art 2; 1851 c 46 s 8; PS 1851 c 8 art 2 s 6; 1856 c 11 s 1, 2; 1856 c 12 s 2; 1858 c 26 s 4; 1858 c 35 s 8; PS 1858 c 5 s 94; PS 1858 c 7 s 31, 124; PS 1858 c 35 s 8; GS 1866 c 8 s 162, 227; GS 1866 c 26 s 4; GS 1866 c 40 s 7; GS 1866 c

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## 358.16-358.21 SEALS, OATHS, ACKNOWLEDGMENTS

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72 s 8; 1868 c 61 s 1; 1876 c 40 s 1; 1877 c 12 s 1; 1877 c 93 s 1; 1878 c 49 s 1; GS 1878 c 8 s 185, 259; GS 1878 c 26 s 4; GS 1878 c 40 s 7; GS 1878 c 72 s 5, 6, 11; GS 1894 s 775, 859, 2271, 4166, 5638, 5639, 5644; 1897 c 311 s 2; 1899 c 55; 1903 c 44, 67; RL 1905 s 2687; GS 1913 s 5743; GS 1923 s 6973; MS 1927 s 6973.

Village clerks, but not the deputies, may take and certify acknowledgments and administer oaths outside of their official duties and may receive the usual fees for such services. OAG Jan. 13, 1953 (470-D) (834-A).

358.16-358.21 Obsolete.

## 358.22 IN OTHER STATES, BY WHOM TAKEN

HISTORY. RS 1851 c 46 s 8; PS 1858 c 35 s 8; GS 1866 c 40 s 7; 1868 c 61 s 1; GS 1878 c 40 s 7; GS 1894 s 4166; RL 1905 s 2688; GS 1913 s 5744; GS 1923 s 6977; MS 1927 s 6977.

## 358.26 EXECUTION ACCORDING TO FOREIGN LAW

A deed or instrument to be entitled to record must be witnessed as required by statute, and if executed outside of the state there should be attached to the deed or instrument a certificate required by section 358.26. No authority exists for recording such certificate except when so attached to the deed or instrument. Nor is there any authority for permitting the witnesses to subscribe after the deed has been recorded. OAG April 6, 1950 (373-B-17-D).

## 358.27 SOLDIERS AND SAILORS ABROAD

Acknowledgment of persons in armed forces. 33 MLR 54.

358.271 Obsolete.

358.28-358.31 Obsolete.

## CHAPTER 359

### NOTARIES PUBLIC

#### 359.01 APPOINTMENT; FEE

A notarial commission becomes effective immediately and cannot be issued to become effective in the future. OAG Sept. 19, 1952 (320-B).

A notary public must be a resident of the county for which he is appointed. OAG July 5, 1947 (320-L).

#### 359.02 TERM, BOND, OATH, REAPPOINTMENT

HISTORY. RS 1851 c 4 art 6 s 2; 1858 c 27 s 2; PS 1858 c 5 s 92; GS 1866 c 26 s 2; GS 1878 c 26 s 2; 1885 c 48; GS 1894 s 2269; RL 1905 s 2657; GS 1913 s 5709; GS 1923 s 6938; MS 1927 s 6938; 1953 c 63 s 1.

A plat may be certified by a county surveyor who is not a registered engineer. OAG June 22, 1948 (123-E).

A notarial commission is effective immediately when issued and cannot be issued to become effective at a date in the future. OAG Sept. 19, 1952 (320-B).