

mortgagors alphabetically, and shall note therein the time of filing such instrument or copy.

Fees.

SECT. 3. The register of deeds shall receive the same fees for recording chattel mortgages as is provided for recording of mortgages of real estate.

Take effect,
when.

SECT. 4. This act shall take effect from and after its passage.

Approved May 12, 1862.

W. JAYNE, *Governor.*

NOTARIES-PUBLIC.

CHAPTER 62.

AN ACT TO PROVIDE FOR THE OFFICE OF NOTARY-PUBLIC,
AND TO DEFINE THE DUTIES OF THE SAME.

*Be it enacted by the Legislative Assembly of the Territory of
Dakota:*

Governor ap-
point for how
long. Jurisdic-
tion.

SECTION 1. The governor shall appoint in each of the organized counties in this territory one or more notaries-public, who shall be considered territorial officers, and shall hold their office for the term of four years, unless sooner removed by the governor, and who shall have power to act by virtue of their office throughout the territory.

To take oath
and give bond.

SECT. 2. Each and every notary-public, before he enters on the duties of his office, shall take an oath to support the constitution of the United States, and to faithfully and impartially discharge the duties of his said office, and shall give bond to the governor, with sufficient surety in the penal sum of five hundred dollars, conditioned for the faithful discharge of the duties of his said office; [and] shall have his commission, oath of office, and bond recorded in the office of register of deeds in the county where said notary-public may reside.

SECT. 3. Whenever the office of any notary-public shall become vacant, the records of said notary-public, together with all the papers relating to the office, shall be deposited in the office of the clerk of the district court in the county in which the said notary-public resides; and any notary-public who, on his resignation or removal from office, shall neglect to deposit such records and papers in the clerk's office, as aforesaid for the space of three months, shall forfeit and pay a sum not less than fifty dollars, nor more than five hundred dollars; and if any executor or administrator of any deceased notary-public shall neglect to lodge such records and papers as aforesaid, which come into his hands, in the clerk's office, for the space of three months after said records and papers shall come into his possession, he shall forfeit and pay a sum not less than fifty dollars nor more than five hundred dollars; and if any person shall knowingly destroy, deface, or conceal any records or papers of any notary-public, he shall forfeit and pay a sum not less than fifty dollars, nor more than five hundred dollars, and shall be moreover liable to an action by the party injured.

In case of vacancy or removal, — records and papers to be deposited with clerk of district court.

Penalty if not deposited, when.

SECT. 4. It shall be the duty of each and every notary-public, when any bill of exchange, promissory note, or other written instrument, shall be by him protested for non-acceptance or non-payment, to give notice in writing thereof to the maker, and each and every indorser of a bill of exchange, and to the maker or makers of, and each and every security or indorser of any promissory note or other written instrument, immediately after such protest shall have been made.

Duty of notary in case of protest.

SECT. 5. It shall be the duty of every notary-public personally to serve the notice upon the person or persons protested against; in case the person cannot be found, said notary-public shall serve notice of protest by leaving a copy of the same at the last and usual place of abode of said person or persons: *Provided*, He or they reside within two miles of the residence of such notary-public; but if such person or persons reside more than two miles from such residence, the said notice may be forwarded by mail or other safe conveyance.

Notice of protest, how served.

SECT. 6. Each and every notary-public shall keep a record of all such notices, and of the time and manner in which the same shall have been served, and of the names of all the par-

Keep record of what.

ties to whom the same were directed, and the description and amount of the instrument protested; which record shall at all times be competent evidence to prove such notice in any trial, before any court in this territory, where proof of such notice may become requisite.

Duties of district clerks.

SECT. 7. It shall be the duty of the several clerks of the district courts to receive and keep safe all the records and papers directed by this chapter to be deposited in their office, and give attested copies of any of said records or papers when required; and copies so given by the said clerk are hereby declared to be as valid as if the same had been given by the said notaries-public. All forfeitures under this act shall be, one half to the use of this territory, and the other half to him or them who shall sue for the same; to be recovered in a civil action, in any court having jurisdiction of the same in the county where such notary-public shall reside.

Of forfeitures.

Shall keep a seal.

SECT. 8. Every notary-public, before he enters upon the duties of his office, shall provide an official seal and deposit an impression of the same, together with said oath and bond, in the office of the secretary of the territory.

Other powers of notaries.

SECT. 9. Notaries-public shall have full power and authority to take acknowledgments of deeds, and administer oaths, in all cases where oaths are required by law to be made.

Faith and credit given to all their publications.

SECT. 10. Full faith and credit shall be given to all the protestations, attestations, and other instruments of publication of all notaries-public now in office, or hereafter to be appointed under the provisions of this chapter.

Take effect, when.

SECT. 11. This act shall take effect and be in force from and after its passage, and approval by the governor,

Approved April 21, 1862.

W. JAYNE, *Governor.*