

## **Colorado Territory Notary Statutes 1861**

### **AN ACT RELATIVE TO NOTARIES PUBLIC.**

Be it enacted by the Council and House of Representatives of Colorado Territory.

Governor shall appoint.

SECTION 1. The Governor shall appoint and commission in each county, as occasion may require, one or more Notaries Public who shall hold their office for four years unless sooner removed.

Duties.

SEC. 2. They may receive the proof or acknowledgment of all instruments of writing relating to commerce and navigation, receive and authenticate the acknowledgments of deeds and powers of attorney, make declarations and protests, and do all other acts usually done and performed by Notaries Public in other States and Territories, and certify the truth of all their official acts under their official seal.

Shall keep a record.

SEC. 3. Every Notary Public shall keep a fair record of his official acts, and if required, give a certified copy of any record in his office, upon the payment of the fees therefor.

In case of death.

SEC. 4. If any Notary die, resign, become disqualified or removed from his county, his record and the official and public papers of his office shall within thirty days be delivered to the register of deeds of his county.

Seal.

SEC. 5. The seal of every Notary shall contain his name and place of residence, and he shall attest all his official acts therewith.

Oath and bond.

SEC. 6. Every notary public, before entering upon the duties of his office, shall take the oath of office prescribed by law, which shall be endorsed upon his commission, and shall give bond to the Territory of Colorado in the sum of five hundred dollars with good sureties, conditioned that he will faithfully perform the duties of his office.

Bond, commission and oath to be recorded.

SEC. 7. Such bond, commission and oath shall be recorded in the office of the Register of Deeds for the county in which the Notary shall reside, and filed in the office of the Secretary of the Territory, and may be sued on by any person injured on account of the unfaithful performance of said Notaries duties: Provided, that no suit shall be so instituted after three years have elapsed from the time the cause of action accrued.

Shall administer oaths.

SEC. 8. Notaries shall have authority to administer all oaths provided for by law, and to acknowledge all instruments of writing, conveying or effecting real estate or other property in any part of this Territory.

The acts of former notaries, etc. made valid.

SEC. 9. All acknowledgments heretofore taken, and official acts performed by Notaries Public holding their commissions under the Territory of Kansas, and all acknowledgments heretofore taken by any judge or justice of any organized court, within the limits of this Territory, are hereby confirmed and made valid, if otherwise correct.

Protest.

SEC. 10. It shall be the duty of every Notary Public in this Territory whenever any bill of exchange, promissory note, or other instrument in writing, shall be by him protested for non-acceptance, or non-payment, to give notice in writing thereof to the maker or makers, and to each and every endorser, or security on any promissory note, or other instrument in writing, on the same day the protest is made or within twenty-four hours from the time of such protest.

Shall keep a record of protest.

SEC. 11. It shall be the duty of each and every Notary Public in this Territory to keep a correct 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 parties to whom the same were directed, and the description and amount of the instrument protested, which record shall at all times be competent to prove such notice, in any trial in any court in this Territory where proof of such notice may become requisite.

Shall serve notices personally or by mail.

SEC. 12. It shall be the duty of each and every Notary Public personally to serve the notice upon the person or persons protested against: Provided he or they reside in the town where such protest was made, or within one mile thereof, but if such person or persons reside more than one mile from such town, then the said notice may be forwarded by mail or other safe conveyance.

SEC. 13. This act to take effect from and after its passage.

Approved, October 24th, 1861.

Passed at the First Session of the Legislative Assembly of the Territory of Colorado, Begun and Held at Denver, Colorado Territory, September 9th, 1861.