

## CHAPTER 52.

### NOTARIES PUBLIC.

(M. D. c. 111, §§ 4764-4770. Adopted May 2, 1890.)

Annotated by W. T. Sprowls, Durant, Ind. T.

Section	Section
3075. Appointment; bond; term of office, etc.	3079. If any die, etc., record and papers to be delivered to clerk.
3076. Power to administer oaths.	3080. To have a seal.
3077. Other powers.	3081. Faith to be given to their acts.
3078. To keep a record and certify copies.	

§ 3075 (M. D. 4764). The governor may appoint a convenient number of notaries public for each county, who shall be citizens of the county for which they are appointed, and who shall file in the office of the recorder of deeds for the county a bond to the state, for the faithful discharge of their duties, in the sum of one thousand dollars, with security to be approved by the clerk of the circuit court of the county, and who shall hold office for the term of four years. (Act Dec. 16, 1874; S. & H. 5389.)

Court in the Indian Territory shall appoint notary public under this chapter. See § 31. United States commissioner an ex officio notary public, § 39.

§ 3076 (M. D. 4765). Each notary public shall have power to administer oaths in all matters incident to or belonging to the exercise of his notarial office. (S. & H. 5390; G. D. 4298.)

§ 3077 (M. D. 4766). He may take the proof or the acknowledgment of all instruments of writing relating to commerce and navigation, receive and authenticate acknowledgments of deeds, letters of attorney, and other instruments of writing, make declarations and protests, and certify under his official seal the truth of all matters and things done by virtue of his office. (S. & H. 5391; G. D. 4299.)

He may also take depositions and affidavits. §§ 2033, 2041.

§ 3078 (M. D. 4767). Each notary shall keep a fair record of all his official acts in a book to be by him kept for that purpose, and, when required, shall give a certified copy of any record in his office to any person applying therefor, on the payment of the fees thereon. (S. & H. 5392; G. D. 4300.)

§ 3079 (M. D. 4768). If any notary die, resign or remove from the county, or be removed from office, his record book and all his public papers shall be delivered to the county clerk, to be delivered to his successor. (S. & H. 5393; G. D. 4301.)

§ 3080 (M. D. 4769). Every notary shall provide a seal of his office, which shall be engraved so as to present by its impression the emblems and devices presented by the great seal of state, surrounded by the words "Notary Public, County of —, Ark." and he shall authenticate all his official acts therewith, and until an official seal shall be procured each notary may use his private seal, which shall be of the same force and effect as a public seal. (S. & H. 5396; G. D. 4302.)

The absence from a notary's seal of the emblems and devices required by the statute does not invalidate his certificate of the acknowledgment of a deed. *Sonfield v. Thompson*, 42 Ark. 46.

§ 3081 (M. D. 4770). All declarations and protests made and acknowledgments taken by notaries public, and certified copies of their records and official papers shall be received as evidence of the facts therein stated. (Rev. St. c. 104, §§ 3-9; Act May 3, 1864, § 3; S. & H. 5397; G. D. 4303.)

And his certificate is evidence of notice to indorsers and others. §§ 1946-1947.

See *Peters v. Hobbs*, 25 Ark. 67.