

Kansas Territory Statutes 1859
Chapter 101, Notaries Public

CHAPTER CI.

AN ACT respecting Notaries Public.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. The governor shall appoint and commission in each county, as occasion may require, one or more notaries public, who shall hold their offices for four years.

SEC. 2. They may receive the proof or acknowledgment of all instruments of writing relating to commerce and navigation, receive and authenticate acknowledgments of powers of attorney, make declarations and protests, and certify the truth thereof under their official seals, concerning all matters by them done by virtue of their offices, and shall have all the powers and perform all the duties of register of boatmen.

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

SEC. 4. If any notary die, resign, be disqualified or remove from the county, his record and official and public papers of his office shall, within thirty days, be delivered to the register of deeds of the county, to be delivered to his successor when qualified.

SEC. 5. Every notary shall provide a notarial seal, containing his name, and place of residence, and he shall authenticate all his official acts, attestations and instruments therewith.

SEC. 6. Every notary public, before entering on the duties of his office, shall take the oath of office prescribed by law, which shall be indorsed on his commission, and shall give bond to the Territory of Kansas in the sum of five hundred dollars, with good securities, conditioned for the faithful performance of the duties of his office.

SEC. 7. Such bond, commission and oath shall be recorded in the register's office of the county, and the bond shall be filed in the office of the secretary of the Territory, and may be sued on by any party injured.

SEC. 8. No suit shall be instituted against any such notary or his securities more than three years after such cause of action [accrues.]

SEC. 9. Notaries public shall have authority to administer all oaths provided for by law, and to take the acknowledgement of deeds and other instruments of writing, conveying or affecting lands or other property in any part of this Territory.

SEC. 10. All acknowledgements heretofore taken by notaries public of deeds or other instruments, conveying or affecting lands out of the county in which such notary resided, are hereby confirmed and made valid, if otherwise correct.

SEC. 11. This act to take effect and be in force from and after the first day of June next.

A. LARZALERE, Speaker of the House of Representatives.

C. W. BABCOCK, President of the Council.

Approved February 3, 1859.

S. MEDARY, Governor.

See Act of Feb. 3, 1859, ch. 101, §§ 1–11, 1859 Territorial Session Laws of Kansas.