

AN ACT relating to the appointment and duties of Notaries Public.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. The governor shall appoint from each organized county of the state, one or more notaries public, who shall be considered state officers, and shall hold their offices for the term of two years, and shall have power to act by virtue of their office throughout the state.

SEC. 2. Each and every notary public before he enters upon the duties of his office shall take and subscribe the oath prescribed by the constitution of this state and shall give a 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 office. He shall also provide an official seal, and deposit an impression of the same in the office of the clerk of the court of the county in which he shall reside.

SEC. 3. Notaries public shall have power to demand acceptance and payment of foreign bills of exchange, and to protest the same for non-acceptance and nonpayment and to administer oaths, and take acknowledgment of written instruments, and to exercise such other powers and duties as by the law of nations and according to commercial usage or by the laws of any other state government or country may be performed by notaries public.

SEC. 4. They may also demand acceptance of inland bills of exchange and payment thereof and of promissory notes, and may protest the same for non-acceptance or non-payment as the case may require: But neither such protest nor any note thereof made by any notary of this state shall be evidence in any court of this state of any facts therein contained, except in the cases specified in the following section.

SEC. 5. In all actions at law, the certificate of a notary under his hand and seal of office of the presentment by him of any promissory note, or bill of exchange for acceptance or payment, and of any protest of such bill or note for non-payment or non-acceptance, and of the service of notice thereof, or any or all of the protests to such bill of exchange or promissory note, and specifying the mode of giving such notice and the reputed place of

residence of the party to whom the same was given, and the post office nearest thereto, shall be presumptive evidence of the facts contained in such certificate.

SEC. 6. 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 endorser of a bill of exchange, and to the maker or makers of, and each and every security or endorser of any promissory note or other written instrument immediately after such protest shall have been made, and also personally to serve the notice upon the person or persons protested against: 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.

SEC. 7. Each and every notary public shall keep a record of all protests by him made and all notices by him served and of the time and manner in which the same shall have been served, and the names of all the persons to whom the same were directed, and the description and amount of the instrument protested and any note or memorandum made by him in his own hand writing and signed by him at the foot of any protest or in any record of official acts kept by him shall be presumptive evidence of the fact of any notice of non-acceptance or non-payment having been sent or delivered at the time and in the manner stated in such note memorandum or record.

SEC. 8. 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 circuit court in the county in which the said notary public resides, and any notary public who on his resignation or removal from 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 or papers as aforesaid which come into his hands, in the clerk's office for the space of three months after the acceptance of that trust 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 for damages by the party injured.

SEC. 9. It shall be the duty of the several clerks of the circuit courts to receive and keep safe all the records and papers directed by this act 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 notary public: all forfeitures under this act shall be one half for the use of this state and the other half to him or them who shall sue for the same to be recovered in an action of debt in any court having jurisdiction of the same in the county where such notary public resides.

SEC. 10. For any misconduct in any of the cases where notaries public appointed under the authority of this state are authorized to act either by the laws of this state, government or country or by the laws of nations or by commercial usage they shall be liable to the parties injured thereby for all damages sustained; and shall be subject to criminal prosecution and punishment in the same cases and in the same manner in which other public officers of this state would be liable for misconduct in their official duty or act authorized or enjoined by the laws of this state.

SEC. 11. Whenever any notary public shall remove out of the county in which he resides at the time of his appointment his office shall be deemed vacant.

SEC. 12. Full faith and credit shall be given to all the protestations attestations certificates and other instruments of publication of all notaries public hereafter to be appointed under the provisions of this act.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved, August 10, 1848.

NELSON DEWEY.