If a notary public affixes a false certificate, a person who connects a private telephone line with the line of a public utility may be prosecuted under 348.38, Stats. 1929, for interfering with telephone lines.

A notary public, though required to reside in a particular county, is a state officer and may act as notary throughout the state. "Little cigars" are not cigarettes within the meaning of sec. 4608f, Stats. 1969, as amended. State v. Goodrich, 133 W 155, 193 NW 978. The licensing provision of 348.386 (3), Stats. 1945, is applicable to one who ships or transports evergreen or coniferous trees, branches, boughs, bushes, saplings or shrubs outside the county where they were cut without regard to whether such trees, etc. were cut from his own land or from the land of someone else. Max Leopold v. State, 160 W 155, 137 NW 978.

CHAPTER 137

Notaries and Commissioners of Deeds.

137.01 History: R. S. 1849 c. 9 s. 57 to 59; 63 to 65; R. S. 1869 c. 131 s. 14; 1856 c. 116 s. 1 to 3; R. S. 1869 c. 116 s. 12; 1887 c. 185 s. 11; 1870 c. 10; 1870 c. 185 s. 3; 1877 c. 138; R. S. 1878 c. 173 to 175, 177, 179 to 181; 1879 c. 194 s. 2; 2011 c. 29; Supp. 1969 s. 242, 113 NW 388. See also State v. Sbragia, 158 W 797, 119 NW 290.

137.07 History: 1969 c. 426; Stats. 1969 s. 134.67.

137.11 History: 1969 c. 395; Stats. 1969 s. 134.71.
ages is the value of the mortgaged property. In case the mortgage is counterfeit, the pur-}
ported makers and the security being non-}
existent, the false certificate is not the pro-
ximate cause of the damage, and there is}
no liability on the part of the sureties on}

Damas cannot be recovered from a notary}
public for his negligence unless the damages}
were proximately caused by such negligence.
Governor ex rel. Kadin v. Bristol, 229 W 95,
281 NW 666.

Where the decedent's application for vet-
earm's benefits was certified by a notary pub-
lic whose certificate, under 137.01, was pre-
sumptive evidence of the facts therein stated,
it was not necessary to produce the notary or
explain the failure to do so, and his certificate
and seal made a prima facie case that the de-
cedent's acknowledgment of paternity was
signed, as required by 237.06, in the presence
of a competent witness, namely, the notary
himself. Estate of Schalla, 2 W (2d) 38, 86 NW
(2d) 3.

Notaries public may be prosecuted for at-
taching a false jurat to an affidavit. 5 Atty.
Gen. 384.

The surety upon the bond of a notary public
is liable for the acts of the notary, as such,
during his term. Action upon such bond
may be begun at any time before the running of
the statute of limitations. The surety is not liable
for acts committed after the notary has filed
his resignation with the secretary of state.
7 Atty. Gen. 55.

An action may be maintained against the
sureties on a notary public's bond by a per-
son damaged by his official malfeasance.

Words not required by statute on a notarial
seal, when added to the device of the seal,
form no part of the seal proper, and do not
invalidate it if it is not thereby obscured. 11

A woman who was nominated and elected
as county officer and who was commissioned
as notary public by her maiden surname, who
marries subsequently to such nomination and
to qualification as notary but prior to such
election, is not required to use her husband's
surname by qualifying as such of-
icer by that name and by filing a new auto-
graph and impression of a new seal as notary
public; a name adopted for official use should
be used uniformly during her terms of office.

A notary public may be removed by the
governor at pleasure. 16 Atty. Gen. 565.

The provision in 137.01 (4) which requires
the date of expiration of commission to be
shown does not apply to an acknowledgment
before a notary public of another state unless
the other state requires it. 17 Atty. Gen. 234.

See note to 69.22, citing 32 Atty. Gen. 415.

The governor having discretionary powers of
appointment of notaries public under 137.01
may refuse to commission blind persons. The
secretary of state's duties relative to notaries
public are administrative and strictly con-
trolled by statute. 37 Atty. Gen. 159.

See note to 245.15, citing 55 Atty. Gen. 239.

CHAPTER 138.

Money and Rates of Interest.

138.01 History: R. S. 1889 c. 63 s. 1; R. S.
1879 s. 1685; Stats. 1901 s. 1685; 1923 c. 291 s.
3; Stats. 1923 s. 115.01; 1967 c. 92 s. 16; Stats.
1967 s. 138.01.

Editor's Note: Ch. 115, Stats. 1905, was re-
cumbered 138 by sec. 16, ch. 92, Laws 1905,
but no alterations were made in the contents
and sequence of sections.

138.03 History: R. S. 1889 c. 62 s. 2; R. S.
1879 s. 1696; Stats. 1901 s. 1696; 1923 c. 291 s.
3; Stats. 1923 s. 115.02; 1967 c. 92 s. 16; Stats.
1967 s. 138.02.

138.04 History: R. S. 1889 c. 63 s. 2; R. S.
1879 s. 1687; Stats. 1901 s. 1687; 1923 c. 291 s.
3; Stats. 1923 s. 115.03; 1967 c. 92 s. 16; Stats.
1967 s. 138.03.

Money judgments, whether of the state
or federal courts, bear interest from date.

Where a demand is capable of
ascertainment by reference to reasonably certain mar-
ket values of the various items, and has been
duly and adequately presented and its pay-
ment demanded before suit commenced, the
claimant is entitled to interest from the time
of such demand. Laycock v. Parker, 103 W
161, 79 NW 227.

When there is no agreement to pay interest
on a loan, and it is repaid on demand, the