





**THE  
NOTARY'S MANUAL**  
(NINTH EDITION)

BASED UPON

**THE SECTIONS OF THE CALIFORNIA  
CODES RELATING TO NOTARIES  
PUBLIC**

**WITH EXTRACTS FROM AND NOTES ON STATE  
SUPREME COURT DECISIONS**

ALSO CONTAINS

**LEGAL FORMS FOR THE VARIOUS NOTARY'S  
CERTIFICATES AND PROTEST**

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PREPARED BY  
A MEMBER OF THE SAN FRANCISCO BAR



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**14-12-10. [Protesting bills and notes; notice.]**

Each notary public when any bill of exchange, promissory note or other written instrument shall be by such notary protested for nonacceptance or nonpayment shall give notice in writing thereof to the maker and to each and every endorser of such bill of exchange, and to the maker of each security, or the endorsers of any promissory note or other written instrument, immediately after such protest shall have been made.

**History:** Laws 1909, ch. 55, § 8; Code 1915, § 3935; C.S. 1929, § 94-112; 1941 Comp., § 11-109; 1953 Comp., § 35-1-9.

**Cross references.** - For civil and criminal liability for false certificate as to protest, see 56-5-4 NMSA 1978.

**Am. Jur. 2d, A.L.R. and C.J.S. references.** - 11 Am. Jur. 2d Bills and Notes § 797



**14-12-20. [Notary affiliated with bank or corporation; power restricted.]**

It shall be lawful for any notary public who is a stockholder, director, officer or employee of a bank or other corporation to take the acknowledgment of any party to any written instrument executed to or by such corporation, or to administer an oath to any other stockholder, director, officer, employee or agent of such corporation or to protest for nonacceptance or nonpayment bills of exchange, drafts, checks, notes and other negotiable instruments which may be owned or held for collection by such corporation; provided, it shall be unlawful for any notary public to take the acknowledgment of an instrument by or to a bank or other corporation of which he is a stockholder, director, officer or employee, where such notary is a party to such instrument, either individually or as a representative of such corporation, or to protest any negotiable instrument owned or held for collection by such corporation, where such notary is individually a party to such instrument.



**14-12-1. Notaries; powers and duties.**

The office of "notary public" is established. At any place within the state, a notary public may:

- A. administer oaths;
- B. take and certify acknowledgments of instruments in writing;
- C. take and certify depositions;
- D. make declarations and protests; and
- E. perform other duties as provided by law.

**History:** 1953 Comp., § 35-1-1, enacted by Laws 1969, ch. 168, § 1.



**14-12-11. [Service of notice of protest.]**

Each notary public may serve notice personally upon each person protested against by delivering to such person a notice in writing, or he may make such service by placing such notice in a sealed envelope with sufficient postage thereon addressed to the person to be charged, at his last place of residence, according to the best information that the person giving the notice may obtain, and by depositing such envelope containing such notice in the United States mail or post office.

**History:** Laws 1909, ch. 55, § 9; Code 1915, § 3936; C.S. 1929, § 94-113; 1941 Comp., § 11-110; 1953 Comp., § 35-1-10.

**14-12-12. [Recording protest notices; use as evidence.]**

Each notary public shall keep record of all protest notices and of the time and manner in which the same were served and of the names of all persons to whom the same were directed. Also the description and the amount of the instrument protested, which record, or a copy thereof certified by the notary public under seal, shall at all times be competent evidence to prove such notice in any court of this state.

**History:** Laws 1909, ch. 55, § 10; Code 1915, § 3937; C.S. 1929, § 94-114; 1941 Comp., § 11-111; 1953 Comp., § 35-1-11.

**Am. Jur. 2d, A.L.R. and C.J.S. references.** - 11 Am. Jur. 2d Bills and Notes § 798; 12 Am. Jur. 2d Bills and Notes § 1237.



## P R E F A C E

This volume, as the name indicates, has been prepared especially for the use of notaries public. It is based upon the Codes of California and the decisions of the Supreme Court of this and other states so far as they relate to the law authorizing and governing the acts of these officers, and references to all sections and decisions are given. The chapters on deeds, mortgages and homesteads have been inserted for the purpose of giving general information on these subjects, and because the notary is frequently expected to draw as well as take the acknowledgment of these instruments. The contents of this volume on the subject of Bills and Notes is based upon the "Negotiable Instruments Law" adopted in California in 1917 and the amendments thereto. A thorough understanding of this important subject is, of course, necessary to the intelligent protesting of negotiable paper. Practical forms of certificates, notices, protests, etc., are appended.

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# The Notary's Manual

## NINTH EDITION

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### CHAPTER I.

#### NOTARIES PUBLIC.

- §1 Appointment.
- 2 Eligibility.
- 3-4 Qualification.
- 5 Duties.
- 6 Compensation.
- 7 Jurisdiction.
- 8 Term of office.
- 9-11 Records.
- 12 Seal
- 13-14 Liability

#### Appointment.

SECTION 1. Notaries Public are public officers appointed by the governor, usually upon petition addressed to him setting forth the qualifications of the applicant and signed by citizens and residents requesting the appointment. There is no restriction upon the number that may be appointed for the several counties of the state—the governor having authority to appoint such number “as he shall deem necessary for the public convenience”—except that the number to be appointed in counties of the second class is limited to one hundred and fifty-five.

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(1) Political Code, §791