

An ACT respecting public notaries in this state.

Passed 31st of Dec. 1801. Preamble.

WHEREAS the establishment of public notaries has been found useful in all commercial countries, and it is proper by law to regulate their fees in current money of the United States;

Governor, &c. to appoint persons, &c.

II. BE IT ENACTED, by the General Assembly of Maryland, That after the thirty-first day of December instant, the governor and council shall appoint and commission, in addition to the notaries public already appointed and commissioned in this state, a competent number of persons of known good character, integrity and abilities, as notaries public for the state of Maryland, to reside within such place or places within this state as the governor and council shall, in and by their respective commissions, direct; provided always, that there shall not be at any time more than four notaries appointed and commissioned to reside within the city and county of Baltimore; and provided also, that no person shall be commissioned as a notary who is not a citizen of the United States, and shall not have resided within this state two years previous to his appointment.

Notaries may administer oaths, &c.

III. AND BE IT ENACTED, That the notaries public now or hereafter to be appointed and commissioned under the authority of this state, and every of them, shall have the power of administering oaths and affirmations according to law, in all matters belonging or incident to the exercise of their notarial office.

Receive proof, &c.

IV. AND BE IT ENACTED, That the said notaries, and every of them, shall have the power to receive the proof or acknowledgment of all instruments of writing relating to commerce or navigation, and such other writings as have been usually proved and acknowledged before notaries public, and also to make protests and declarations, and testify the truth thereof, under their seals of office, concerning all matters by them done in virtue of their respective offices.

And keep fair registers, &c.

V. AND BE IT ENACTED, That every of the said notaries shall keep fair registers of all protests, and other official acts by them done in virtue of their office, and shall, when thereto required, give a certified copy of any record in his office unto any person or persons applying for the same, such person or persons paying the customary fees therefor.

In case of death, &c. papers to be lodged, &c.

VI. AND BE IT ENACTED, That in case of the death, resignation, disqualification or removal from office, of any of the said notaries, his or their registers and other public papers shall be lodged, within sixty days next after such death, resignation, disqualification or removal, in the office of the clerk of the county where he or they reside, who may bring and maintain actions of trover or detinue for the same; and such registers or public papers shall not, in any case, be liable to be seized or taken in execution for debt or for any demand whatsoever.

Notaries to provide a seal, &c.

VII. AND BE IT ENACTED, That every notary shall provide a public notarial seal, with which he shall authenticate his acts, instruments and attestations, on which seal shall be engraved such device as said notary may think proper, and for legend shall have the name, surname and office, of the notary using the same, and the place of his residence.

And take an oath.

VIII. AND BE IT FURTHER ENACTED, That every notary on his appointment, and before he enters on the duties of his office, shall take and subscribe an oath, or affirmation, that he shall and will well and faithfully perform the duties of his office, as is prescribed to be taken by other officers of the government of this state.

Their fees.

IX. AND BE IT ENACTED, That the fees to be received by the notaries public shall be as follow: Drawing all proceedings not exceeding two sides, fifty cents; drawing all proceedings exceeding two sides, twenty cents per side; registering or copying proceedings, for every such side ten cents; presenting a bill of exchange for acceptance, if accepted and not afterwards protested for non-payment, one dollar; presenting a bill or note for payment, if paid when presented, one dollar; noting a bill for non-acceptance, if not protested for non-acceptance or non-payment, one dollar; protesting a bill or note, or the like, for non-acceptance or non-payment, one dollar and seventy-five cents; noting a marine protest, one dollar; affixing notarial seal, fifty cents; for every search where no copy is made, twenty-five cents; administering an oath or taking an acknowledgment, twelve and an half cents; and for all other acts and services in proportion to the aforesaid fees, to be paid at the time of doing the same.

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