

## Chapter 194

### Notaries Public; Notarial Acts of Officers of Armed Forces

#### 194.010

CASE CITATIONS: In re Walter, (1967) 247 Or 13, 427 P2d 96; In re Scott, (1970) 255 Or 77, 464 P2d 318.

ATTY. GEN. OPINIONS: Power to act throughout state, 1926-28, p 76; notary public as required to be a citizen of the United States, 1928-30, p 308; parole as affecting eligibility for appointment as notary public, 1932-34, p 64; felony conviction as affecting appointment of notary public, 1944-46, p 64; nonlucrative option, 1950-52, p 36; same person as: Legislator, notary public and bar examiner prior to 1961 amendment, 1960-62, p 170; limitations on a pro tempore judge acting as a notary public, (1968) Vol 34, p 380.

#### 194.031

##### NOTES OF DECISIONS

###### 1. Under former similar statute

A court took judicial notice of the accession, seal and continuance in office of a notary public and for the purpose of informing itself in relation to such facts would refer to the official records in the office of the Secretary of State. Butts v. Purdy, (1912) 63 Or 150, 125 P 313, 127 P 25; Christman v. Salway, (1922) 103 Or 666, 205 P 541.

Where no notarial seal was attached to an affidavit professing to be sworn to and before a notary public, the affidavit was worthless. Rafferty v. Davis, (1909) 54 Or 77, 102 P 305.

An official seal, though containing the name of the notary, could not be treated as a signature of the notary. Christman v. Salway, (1922) 103 Or 666, 205 P 541.

ATTY. GEN. OPINIONS: Requisites of a notarial seal, 1962-64, p 392; requirement that seals make an impression in the paper, 1966-68, p 173.

#### 194.040

ATTY. GEN. OPINIONS: Authority and duty of county clerk and Secretary of State to certify notary public's commission after 1967, 1966-68, p 590.

#### 194.050

##### NOTES OF DECISIONS

The notary must conform to the requirements of statute granting his authority. Christman v. Salway, (1922) 103 Or 666, 205 P 541.

The seal of a notary, though containing his name, does not take the place of his signature. Id.

Where the jurat was not signed by the notary, the defect could not be supplied by proof aliunde. Id.

#### 194.110

##### NOTES OF DECISIONS

Since the authority of a notary is created by the legislature, directions listed in statutes for the exercise of his powers are mandatory. Christman v. Salway, (1922) 103 Or 666, 691, 205 P 541.

#### 194.120

##### NOTES OF DECISIONS

Proof aliunde cannot supply a defect where the notary did not sign a jurat, as the authority of the notary must be exercised in conformity to the statute. Christman v. Salway, (1922) 103 Or 666, 205 P 541.

#### 194.170

##### NOTES OF DECISIONS

The compensation for mileage is only for the miles actually traveled. Howe v. Douglas County, (1869) 3 Or 488.

#### 194.310

CASE CITATIONS: In re Lee, (1965) 242 Or 302, 409 P2d 337.

#### 194.990

CASE CITATIONS: In re Walter, (1967) 247 Or 13, 427 P2d 96.