

## Title 31.

### Businesses and Professions.

- Chap. 1. Land Surveyors, §§ 1 to 153.  
2. Notaries Public, §§ 201 to 256.

#### CHAPTER 1.

##### LAND SURVEYORS.

###### Subchapter I.

###### General Provisions.

- Sec.
1. Short title.
  2. Reference to land surveyors.
  3. "Practice of land surveying" defined.
  4. Application of chapter.
  5. Duties of territorial surveyor.
  6. Disposition of fees.
  7. Trainees or apprentices.
  8. Prohibited practices.

###### Subchapter II.

###### Board of Examiners.

51. Created; composition; qualifications of members.
52. Removal of members; vacancies.
53. Compensation of members.
54. Clerical and logistic support by division of lands and surveys.
55. Promulgation of rules and regulations.
56. Meetings; quorum; vote required to arrive at decision.
57. Records; list of registered surveyors.
58. Annual report.

###### Subchapter III.

###### Registration.

101. Required.

###### Sec.

102. Acts construed as practicing surveying.
103. Qualifications; residency; age; character; knowledge.
104. Same; training; experience.
105. Same; credits for experience.
106. Reciprocity.
107. Applications.
108. Examinations.
109. Certificate of registration; issuance; effect of issuance.
110. Same; expiration and renewal.
111. Registered land surveyor's seal.
112. Suspension or revocation.
113. Reissuance of certificates of registration.
114. Application of chapter to proprietorships, partnerships, and corporations.
115. Exemptions.

###### Subchapter IV.

###### Register.

151. Required; contents; prima facie evidence of status.
152. Public inspection.
153. Alteration and amendment.

##### SUBCHAPTER I.

###### General Provisions.

§ 1. **Short title.** — This chapter may be cited as the "Land Surveyors Registration Act." (Code 1970, tit. 31, § 1.)

§ 2. **Reference to land surveyors.** — Where in any law of the Trust Territory a reference is made to a surveyor as a registered surveyor, that reference shall be read as a reference to a registered land surveyor within the meaning of this chapter. (Code 1970, tit. 31, § 2.)

§ 3. **"Practice of land surveying" defined.** — The practice of land surveying means a person who practices surveying within the meaning of this chapter, either in a public or private capacity, and who does or offers to do any or more of the following:

(1) Locates, relocates, establishes, re-establishes, or retraces any property line or boundary of any parcel of land or any road, right-of-way, element reserve, etc.

(2) Makes any survey for the subdivision or re-subdivision of any tract of land.

(3) By the use of the principles of land surveying, determines the position for any monument or reference point which marks a property line, boundary corner, and sets, resets or replaces any such monument or reference point.

(4) Determines the configuration or contour of the earth's surface or the position of fixed objects thereon or related thereto, by means of measuring lines and angles, and applying the principles of trigonometry.

(5) Practices geodetic or cadastral surveying.

(6) Determines the information shown or to be shown on any map or document prepared or furnished in connection with any one or more of the functions described in subsections (1) through (5) of this section.

(7) Indicates, in any capacity or in any manner, by the use of the title "land surveyor," or by any other title or representation, that he practices or offers to practice land surveying in any of its branches.

(8) Procures or offers to procure land surveying work for himself or others

(9) Manages, or conducts as manager, proprietor, or agent, any place of business from which land surveying work is solicited, performed or practiced. (Code 1970, tit. 31, § 3.)

**§ 4. Application of chapter.** — This chapter applies only to:

(1) Surveys of the boundaries of land, or surveys for the purpose of the establishment, re-establishment or determination of titles to land; and

(2) Any activity performed in relation to the practice of land surveying as defined in section 3 of this chapter. (Code 1970, tit. 31, § 4.)

**§ 5. Duties of territorial surveyor.** — The territorial surveyor is charged with the general administration and supervision of this chapter. (Code 1970, tit. 31, § 5.)

**§ 6. Disposition of fees.** — All fees received pursuant to this chapter shall be deposited in the Trust Territory treasury for appropriation by the Congress of Micronesia. (Code 1970, tit. 31, § 6.)

**§ 7. Trainees or apprentices.** — A registered land surveyor, who has a trainee, apprentice or cadet surveyor, shall permit the trainee, apprentice or cadet surveyor a reasonable time for the purpose of attending lectures or gaining practical experience which is included in the course of traineeship, apprenticeship or cadetship undertaken by the trainee, apprentice or cadet surveyor by arrangement with registered land surveyor. (Code 1970, tit. 31, § 7.)

**§ 8. Prohibited practices.** — (1) It shall be a misdemeanor punishable by a fine of not less than twenty-five dollars nor more than one thousand dollars, or imprisonment for not more than one year, or both, for any person to:

(a) Practice, or offer to practice, or hold himself out as entitled to practice, land surveying except when authorized by this chapter;

(b) Use or attempt to use a certificate of registration that has expired or has been suspended or revoked;

(c) Present or use as his own the certificate of registration of another;

(d) Stamp or seal any document with the seal of a registrant after the certificate of the registrant has expired or has been suspended or revoked; or

(e) Otherwise violate any provision of this chapter.

(2) It shall be a felony punishable by a fine of not more than five thousand dollars, or imprisonment for not more than three years, or both, for any person to present any false or forged information or evidence applying for registration under this chapter.

(3) In addition to any other remedy provided by law, upon request of the board an action may be filed in the name of the government of the Trust Territory in the trial division of the high court to restrain or enjoin the commission or continuance of any acts in violation of this chapter. In any such proceeding it shall be unnecessary to allege or prove that an adequate remedy at law does not exist or that irreparable damage would result if the relief requested were not granted. (Code 1970, tit. 31, § 8.)

## SUBCHAPTER II.

### *Board of Examiners.*

**§ 51. Created; composition; qualifications of members.** — There is hereby created a board of land surveyor examiners which shall consist of the territorial surveyor, who shall be chairman, two official members, being the chief engineer and the chief of lands and surveys, and three additional members who are citizens of the Trust Territory, appointed by the High Commissioner. The appointed members shall have at least six years of active experience, be of recognized good standing in their profession of either land surveying or civil engineering, and be at least thirty years of age; provided, that each of the six aforementioned members first serving on the board shall receive a certificate of registration as a land surveyor and without payment of fees of any kind; provided further, that the High Commissioner may appoint to the board a person exempted under subsection (4), section 115, subchapter III of this chapter, and, in that event, such a person need not be registered under this chapter. (Code 1970, tit. 31, § 51.)

**§ 52. Removal of members; vacancies.** — The High Commissioner may remove any member of the board for misconduct, incompetency, neglect of duty, or for any other sufficient cause. Vacancies in the membership of the board shall be filled by appointment by the High Commissioner as provided in section 51 of this subchapter. (Code 1970, tit. 31, § 52.)

**§ 53. Compensation of members.** — Members of the board shall be reimbursed for reasonable and necessary expenses incurred in the course of their official duties. (Code 1970, tit. 31, § 53.)

**§ 54. Clerical and logistic support by division of lands and surveys.** — The division of lands and surveys shall provide the board with necessary clerical personnel, office facilities and other logistic support. (Code 1970, tit. 31, § 54.)

**§ 55. Promulgation of rules and regulations.** — (1) The board is hereby authorized to make rules and regulations needed in performing its duties not inconsistent with law.

(2) Such rules and regulations shall be:

(a) Subject to approval by the High Commissioner;

(b) Issued by administrative order; and

(c) Promulgated in a government bulletin or land gazette or in a recognized newspaper or periodical circulating in the Trust Territory or as otherwise provided by law. (Code 1970, tit. 31, § 55.)

**§ 56. Meetings; quorum; vote required to arrive at decision.** — The board shall meet at such times and places as it may by rule prescribe, but shall hold at least two regular meetings in each year. The chairman may call special meetings. At all meetings the presence of five members shall constitute a quorum, and the concurrence of four members shall be required in arriving at any decision. (Code 1970, tit. 31, § 56.)

**§ 57. Records; list of registered surveyors.** — The board shall keep a complete record of all applications for registration together with the boards action thereon and shall annually, during the month of July, prepare a list showing the names, places of business and residences of all registered land surveyors for publication. A copy of the list shall be filed with the chief of lands and surveys. (Code 1970, tit. 31, § 57.)

**§ 58. Annual report.** — The board shall prepare a printed annual report of its activities for the past fiscal year, which shall be submitted to the High Commissioner not later than the first day of September of each year. (Code 1970, tit. 31, § 58.)

### SUBCHAPTER III.

#### *Registration.*

**§ 101. Required.** — (1) No person shall practice or offer to practice land surveying, or use in connection with his name, or otherwise use, assume, or advertise, any title or description to convey the impression that he is a land surveyor, unless such person has qualified as such by registration as a land surveyor or is otherwise exempt under this chapter.

(2) A person shall be construed to practice or offer to practice land surveying within the meaning and intent of this chapter who practices land surveying, or who by oral or written claim or sign, advertising, letterhead, card, or in any other way represents himself to be a land surveyor, or through the use of some other title implies that he is such, or who holds himself out as able to perform or who does perform any surveying service or work or any other professional service designated by him as land surveying or generally recognized as such. (Code 1970, tit. 31, § 101.)

**§ 102. Acts construed as practicing surveying.** — A person shall be construed to practice or offer to practice land surveying within the meaning and intent of this chapter who:

- (1) Practices land surveying; or
- (2) By oral or written claim, or sign, advertising, letterhead, card or in any other way represents himself to be a land surveyor, or through the use of some other title implies that he is such; or
- (3) Holds himself out as able to perform, or who does perform, any surveying, service or work or any other professional service designated by him as land surveying, or generally recognized as such. (Code 1970, tit. 31, § 102.)

**§ 103. Qualifications; residency; age; character; knowledge.** — No person shall be eligible for registration as a land surveyor under this chapter unless he:

- (1) Is a resident of the Trust Territory;
- (2) Is more than twenty-one years of age;
- (3) Is of good character and repute; and

(4) Meets the professional qualifications prescribed by this chapter. (Code 1970, tit. 31, § 103.)

**§ 104. Same; training; experience.** — The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for registration as a land surveyor:

(1) Graduation from university, college, institute or school approved by the board as of satisfactory standing, including the completion of an approved course in surveying, and a specific record of an additional two years or more of experience in land surveying of a character satisfactory to the board, and indicating that the applicant is competent to practice land surveying and passing the prescribed examination; or

(2) A specific record of six years or more of experience in land surveying work of a character satisfactory to the board and indicating that the applicant is competent to practice land surveying and has passed the prescribed oral and practical examinations set by the board; or

(3) A specific record of eight years or more of lawful practice in land surveying work of a character satisfactory to the board and indicating that the applicant is competent to practice land surveying and has passed the prescribed examinations set by the board, provided, that the applicant is not less than thirty-three years of age and provided that the eight years or more of lawful practice in land surveying work was gained before July 1967. (Code 1970, tit. 31, § 104.)

**§ 105. Same; credits for experience.** — In considering the qualifications of applicants as to experience under section 104 of this chapter:

(1) Teaching of land surveying in an approved curriculum in a university, college, or school approved by the board as of satisfactory standing may be credited as experience.

(2) Experience and training in the armed services of the United States in civil engineering or land surveying may be credited as experience.

(3) The satisfactory completion of each year of approved curriculum in a school or college approved by the board as of satisfactory standing, without graduation, shall be considered as equivalent to a year of experience under subsections (2) or (3), section 104 of this chapter. Graduation in a curriculum other than land surveying from a college or university of recognized standing may be considered equivalent to two years of experience under this chapter: provided, however, that no applicant shall receive credit for more than four years of experience because of undergraduate educational qualifications. (Code 1970, tit. 31, § 105.)

**§ 106. Reciprocity.** — (1) The board may, upon application and payment of the fee required by section 107 of this chapter, issue a certificate of registration as a land surveyor, without oral or written examination, to any person who holds a current valid certificate of registration (or the equivalent thereof) issued as such by any state, territory or possession of the United States, or of any country, provided that the applicant's qualifications meet the requirements of this chapter.

(2) The territorial surveyor may, with the consent of the chief of lands and surveys, enter into a reciprocal arrangement with surveyor's registration boards or other competent authorities of a state or a territory of the United States, or of any country:

(a) For the recognition of the status of a person authorized by that board or competent authority to practice as a land surveyor in the state, territory, or country, and for the registering of any such person as a registered land surveyor under this chapter; and

(b) For the examination of a candidate who has served under a term of cadetship or apprenticeship to a licensed or registered land surveyor and when articles have been registered in the office of the territorial surveyor. (Code 1970, tit. 31, § 106.)

**§ 107. Applications.** — (1) Application for registration shall be on forms prescribed and furnished by the board and shall:

- (a) Designate the registration applied for;
- (b) Show the applicant's education and a detailed summary of his technical work;
- (c) Furnish not less than five references, at least three of which shall be with regard to his technical work; and
- (d) Set forth such other information as the board may prescribe.

(2) Every application shall be accompanied by an application fee of ten dollars. No refund shall be made in the event registration is denied. (Code 1970, tit. 31, § 107.)

**§ 108. Examinations.** — (1) When oral or written examinations are required, they shall be held at such time and place as the board shall determine.

(2) All examinations shall be prescribed by the board, subject to the requirements of this chapter and shall have for their scope the determination of the applicant's ability to practice land surveying. All examinations shall include the subjects of professional ethics and the provisions of this chapter.

(3) The examination, in addition to other matters, shall cover the procedure and rules governing the survey of public lands as set forth in "Manual of Surveying Instructions," published by the bureau of land management, United States Department of the Interior, Washington, D.C., and in the "Manual of Surveying Instructions" issued by the division of lands and surveys government of the Trust Territory. (Code 1970, tit. 31, § 108.)

**§ 109. Certificate of registration; issuance; effect of issuance.** — (1) The board shall issue a certificate of registration to any applicant for registration as a land surveyor, who, having paid the application and registration fee, has satisfactorily met all the requirements of this chapter. Certificates shall show the full name of the applicant, shall have a serial number, and shall be signed by the chairman and the secretary of the board under seal of the board.

(2) The certificate for a registered land surveyor shall authorize the "practice of land surveying."

(3) The certificate of registration, as issued by the board, shall be prima facie evidence that the person named therein is a registered land surveyor entitled to all the rights and privileges of such while such certificate remains unrevoked or unexpired. (Code 1970, tit. 31, § 109.)

**§ 110. Same; expiration and renewal.** — (1) Certificates of registration shall expire on the last day of the month of December following their issuance or renewal and become invalid at the end of such day unless renewed.

(2) It shall be the duty of the board to notify every person registered under this chapter of the date of expiration of his certificate of registration and the amount of the fee that shall be required for its renewal for one year. Such notice shall be mailed no later than the first of December. Renewal may be effected at any time during the month of December by payment of a renewal fee of five dollars.

(3) The failure on the part of any registrant to renew his certificate annually in the month of December shall not deprive such person of the right of renewal, but the renewal fee to be paid after the month of December shall be increased

by one dollar for each month or fraction of a month that payment of renewal is delayed; provided, however, that the maximum fee for delayed renewal shall not exceed ten dollars. The failure of the board to notify a registrant of the date of the expiration of his certificate, or the amount of the renewal fee, shall not extend the duration of the certificate of registration. (Code 1970, tit. 31, § 110.)

**§ 111. Registered land surveyor's seal.** — (1) Every registrant may, upon being issued a certificate of registration, obtain a seal of a design authorized by the board, which shall bear the registrant's name and the legend "registered land surveyor," and shall provide space for stating the serial number and date of expiration of the certificate of registration. Plans, specifications, plats and reports prepared by a registrant shall be stamped with such seal when filed with the government of the Trust Territory during the term of the registrant's registration, and shall also show the serial number and date of expiration of such certificate of registration.

(2) It shall be a misdemeanor for anyone to stamp or seal any documents with such seal after the certificate of registration of the person named thereon has expired or has been revoked, unless such certificate shall have been renewed and reissued. (Code 1970, tit. 31, § 111.)

**§ 112. Suspension or revocation.** — The board shall have the power, duty, and authority to investigate violations of this chapter and may suspend or revoke a certificate of registration on any of the following grounds:

- (1) The registrant is practicing in violation of this chapter; or
- (2) The certificate of registration has been obtained or that the registrant has obtained such certificate by fraud or misrepresentation; or
- (3) The certificate of registration was obtained by bribery or payment of any money except fees prescribed by this chapter; or
- (4) The registrant is falsely impersonating a practitioner or former practitioner or is practicing under an assumed or fictitious name; or
- (5) The registrant has been convicted of an offense arising from or in connection with the practice of land surveying, or any offense involving moral turpitude, in which case a certified copy of the record of conviction shall be conclusive evidence thereof; or
- (6) The registrant has violated any provision of this chapter; or
- (7) The registrant has aided and abetted in the practice of land surveying any person not duly authorized to practice land surveying except as provided under subsection (3), section 115 of this chapter; or
- (8) The registrant has been guilty of fraud or deceit, or of gross negligence, incompetence, misconduct in the practice of land surveying; or
- (9) The registrant has permitted his seal to be affixed to any plans, specifications or drawings that were not prepared by him or under his personal supervision, or by his employee or subordinate.

Proceedings under this section may be initiated upon complaint by any person or by the board. All charges shall be in writing and sworn to by the person making them. All charges, unless dismissed by the board as unfounded or trivial, shall be heard by the board within three months after the date on which they have been preferred. The time and place for such hearing shall be fixed by the board, and a copy of the charges together with a notice of the time and place of hearing, shall be personally served upon or mailed to the last known address of such registrant at least thirty days before the date fixed for the hearing. At any hearing, the registrant shall have the right to appear personally and have counsel, to cross-examine witnesses appearing against him, and to produce evidence and witnesses in his own defense. (Code 1970, tit. 31, § 112.)

**§ 113. Reissuance of certificates of registration.** — (1) The board for reasons it deems sufficient may reissue a certificate of registration to any person whose certificate has been revoked provided three or more members of the board vote in favor of such reissuance.

(2) A new certificate of registration may be issued to any person whose certificate has been revoked, lost, destroyed, or mutilated, subject to the rules of the board and upon payment of a fee of ten dollars. (Code 1970, tit. 31, § 113.)

**§ 114. Application of chapter to proprietorships, partnerships, and corporations.** — (1) The practice and land surveying may be performed by employees of a proprietorship, partnership, or corporation engaged in construction, manufacturing, transportation, distribution, or communications insofar as such land surveying is involved in its operations, provided that it is performed by, or under the supervision of, a land surveyor in responsible charge, registered under this chapter.

(2) The practice or offer to practice land surveying for the public, as defined in section 3 of this chapter, by individuals registered under this chapter through a corporation as officers, employees or agents, is permitted subject to the provisions of this chapter, and provided that all personnel who act in its behalf as land surveyors in responsible charge are registered under this chapter, or are persons lawfully practicing under section 115 of this chapter. In case this practice is done through a corporation organized after the effective date of this chapter, it shall be required at all times that the president and a majority of the officers and directors are registered land surveyors, and further, that said corporation shall have been issued a certificate of authorization by the board as provided in this chapter.

(3) A corporation desiring a certificate of authorization shall file with the board an application, using a form provided by the board, listing the names and addresses of all officers and board members of the corporation, and also, of the individual or individuals duly registered to practice land surveying who shall be in responsible charge, and other information required by the board. The same form, giving the same information, must accompany the annual renewal fee. In the event there shall be a change in any of these persons during the year, such change shall be designated on the same form and filed with the board within thirty days after the effective date of said change. If all of the requirements of this section are met, the board may issue a certificate of authorization to such corporation.

(4) No corporation authorized to practice land surveying under this chapter shall be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with the provisions of this section, nor shall any individual practicing land surveying be relieved of responsibility for services performed by reason of his employment or relationship with such corporation. All final drawings, specifications, plans, reports, or other papers or documents involving the practice of land surveying which shall have been prepared or approved for the use of such corporation, or for delivery by it to any person, or for public record, shall be dated and bear the signature and seal of the land surveyor who prepared or approved them. (Code 1970, tit. 31, § 114.)

**§ 115. Exemptions.** — This chapter shall not apply to:

(1) A person not a resident of and having no established place of business in the Trust Territory, practicing or offering to practice land surveying in the Trust Territory when such practice does not extend in the aggregate more than thirty days in any calendar year; provided, that such person is legally qualified by registration to practice such profession in the state or territory of his residence and in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in this chapter;



(2) A person not a resident of and having no established place of business in the Trust Territory, or who has recently become a resident thereof, practicing or offering to practice land surveying in the Trust Territory for more than thirty days in any calendar year, if he has filed an application for a certificate of registration with the board and has paid the required fee, such exemption to continue only for such time as the board requires for the consideration of the application for registration; provided, that such person is legally qualified to practice such profession in the state or territory of his residence and in which the requirements or qualifications for obtaining a certificate are not lower than those specified in this chapter;

(3) An employee or subordinate of a person holding a certificate of registration under this chapter or an employee or a person exempted from registration by subsections (1) and (2) of this section; provided, that the work of such employee or subordinate does not include final designs or decisions and is under the direct responsibility and supervision of a person holding a certificate of registration under this chapter or a person exempted from registration by subsections (1) and (2) of this section;

(4) Officers, employees or members of the armed forces of the United States, as long as their practice of land surveying is limited to that work specifically authorized by the armed forces;

(5) The practice of any legally recognized profession other than that of land surveyor. (Code 1970, tit. 31, § 115.)

#### SUBCHAPTER IV.

##### *Register.*

**§ 151. Required; contents; prima facie evidence of status.** — The territorial surveyor shall record in a book to be kept for the purpose and to be known as the register of land surveyors the names and addresses of all registered land surveyors, together with the details and dates of the qualifications in respect of which they are registered by the board of land surveying examiners. Every entry in the register shall be signed by the territorial surveyor. A copy of an entry in the register, purporting to be certified by the territorial surveyor as a true copy, is prima facie evidence that the person named therein is a registered land surveyor. (Code 1970, tit. 31, § 151.)

**§ 152. Public inspection.** — The register of land surveyors shall be opened to public inspection upon payment of a fee of one dollar. (Code 1970, tit. 31, § 152.)

**§ 153. Alteration and amendment.** — The territorial surveyor shall from time to time make such alterations and amendments in the register as are necessary for the purpose of making the register an accurate record of the names, addresses and qualifications of registered land surveyors. (Code 1970, tit. 31, § 153.)

## CHAPTER 2.

## NOTARIES PUBLIC.

## Subchapter I.

## General Provisions.

- Sec.
201. Appointment; term; removal; reporting of change of status.
202. Rules and regulations.
203. Application; qualifications; oath.
204. Filing and certification of commission, seal and signature.
205. Official bond; appointment of agent for service of process.
206. Liabilities of notary and surety on bond.
207. Compliance with chapter required; penalties.

## Subchapter II.

## Powers and Duties.

- Sec.
251. Generally.
252. Seal.
253. Records; form and effect of granted copies or certificates.
254. Disposition of records.
255. Fees; schedule.
256. Same; notaries not entitled to fees.

## SUBCHAPTER I.

*General Provisions.***§ 201. Appointment; term; removal; reporting of change of status. —**

(1) The High Commissioner may in his discretion appoint and commission such numbers of notaries public for the Trust Territory as he shall deem necessary for the public good and convenience.

(2) The term of office of a notary public shall be two years from the date of his commission, unless sooner removed by the High Commissioner on recommendation of the Attorney General made on findings of cause after due hearing; provided, that after due hearing the commission of a notary public may be revoked by the High Commissioner in any case where any change shall occur in such notary's office, occupation or employment which in the judgment of the High Commissioner renders the holding of such commission no longer necessary for the public good and convenience.

(3) Each notary shall, upon any change in his office, occupation or employment, forthwith report the same to the Attorney General. (Code 1966, § 1075; Code 1970, tit. 31, § 201.)

**§ 202. Rules and regulations. —** (1) The Attorney General, with the approval of the High Commissioner, shall have power to prescribe such rules and regulations having the force and effect of law as he may deem advisable concerning the appointment and duties of notaries public and the administration of this chapter.

(2) The Attorney General shall file a copy of such rules and regulations with each district clerk of courts. (Code 1966, § 1082; Code 1970, tit. 31, § 202.)

**§ 203. Application; qualifications; oath. —** (1) Except as otherwise provided in this chapter, application for a commission as notary public for the Trust Territory shall be submitted to the Attorney General and must be accompanied by two letters of recommendation. Every person appointed a notary public must be, at the time of his appointment, of good character, at least twenty-five years of age, and a permanent resident of the Trust Territory, who has resided in it for at least three years, or a United States citizen, resident in the Trust Territory and employed by the United States government or by a contractor engaged in work for the United States government in the Trust Territory.

(2) Every person appointed a notary public shall, before acting in the capacity, take and subscribe an oath for the faithful discharge of his duties which oath may be taken before a district administrator, a judge, a clerk of courts, or other official authorized to administer oaths. This oath shall be executed in duplicate. The original shall be filed in the office of the Attorney General and a duplicate original filed in the office of the clerk of courts for the district or districts in which said notary shall be acting. (Code 1966, § 1076 Code 1970, tit. 31, § 203.)

**§ 204. Filing and certification of commission, seal and signature.** — (1) It shall be the duty of each person appointed and commissioned a notary public under the provisions of this chapter to forthwith file a literal or photostatic copy of his commission, an impression of his seal and a specimen of his official signature with the clerk of courts of each district for and in which he decides to act. Thereafter, such clerk, when so requested, shall certify to the official character and acts of any such notary public whose commission, impression of seal and specimen of official signature is filed in his office.

(2) The clerk of courts of each district shall charge and receive a fee of one dollar for filing a copy of a commission and a fee of twenty-five cents for filing each certificate of authentication. (Code 1966, §§ 1078, 1083; Code 1970, tit. 31, § 204.)

**§ 205. Official bond; appointment of agent for service of process.** — (1) Each notary public forthwith and before entering upon the duties of his office may, at the discretion of the High Commissioner, be required to execute at his own expense, an official surety bond in a sum not exceeding one thousand dollars.

(2) The obligee of each bond shall be the Trust Territory and the condition contained therein shall be that the notary public will well, truly and faithfully perform all the duties of his office which are then and may thereafter be required, prescribed or defined by law or by any rule or regulation made under the express or implied authority of any law of the Trust Territory, and all duties and acts are undertaken, assumed or performed by the notary public by virtue or color of his office. The surety on any such bond shall be a surety company approved by the High Commissioner. The notary public by accepting his commission, and the surety company by issuing the bond, thereby agree and appoint the district administrator of any district in which the notary public performs any official act as his agent to accept service of process on his behalf for any purpose. After approval, the bond shall be deposited and kept in the office of the Attorney General, who will certify to the clerk of courts in the district in which the notary public is commissioned that the bond has been accepted and filed in proper form. (Code 1966, § 1079; Code 1970, tit. 31, § 205.)

**§ 206. Liabilities of notary and surety on bond.** — For the official misconduct of a notary public or breach of any of the conditions of his official bond, he and the surety on his official bond shall be liable to the party injured thereby for all damages sustained. Such party shall have a right of action in his own name upon such bond and may prosecute the same to final judgment and execution. (Code 1966, § 1080; Code 1970, tit. 31, § 206.)

**§ 207. Compliance with chapter required; penalties.** — (1) No person shall be qualified to act as a notary public or shall enter upon any of the duties of such office, or offer or assume to perform any such duties until he shall have fully complied with the requirements of this chapter.

(2) Any person wilfully violating any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction, such person shall be punished

by a fine of not more than five hundred dollars, or by imprisonment for not more than one year, or both. Nothing in this section shall be construed to restrict or to do away with any liability for civil damages. (Code 1966, § 1081; Code 1970, tit. 31, § 207.)

## SUBCHAPTER II.

### *Powers and Duties.*

§ 251. **Generally.** — A notary public has the power and is authorized to administer oaths and affirmations, receive proof and acknowledgement of writings, and present and protest commercial paper. A notary public may act officially anywhere in the Trust Territory but shall, before so acting in any district, comply with the provisions of section 204, subchapter I of this chapter. (Code 1966, § 1084; Code 1970, tit. 31, § 251; P.L. No. 4C-27, § 2.)

§ 252. **Seal.** — (1) Every notary public shall constantly keep a seal of office, which may be a rubber stamp or impression seal, whereon shall be engraved his name, and the words "Notary Public" and "Trust Territory of the Pacific Islands." He shall authenticate all of his official acts, attestations, certificates and instruments therewith.

(2) Upon resignation, death, expiration of term of office without reappointment, removal from or abandonment of office, or change in residence from the Trust Territory, he shall immediately deliver his seal to the Attorney General, who shall deface or destroy the same. By failing for sixty days to comply with the above requirement, the notary public, his executor or administrator, shall forfeit to the Trust Territory not more than two hundred dollars, in the discretion of the court, to be recovered in an action to be brought by the Attorney General on behalf of the Trust Territory. (Code 1966, § 1077; Code 1970, tit. 31, § 252.)

§ 253. **Records; form and effect of granted copies or certificates.** — Every notary public shall record at length in a book of records all acts, protests, depositions, and other things noted by him or done in his official capacity. All copies or certificates granted by him shall be under his hand and notarial seal, and shall be received as evidence of such transactions. (Code 1966, § 1085; Code 1970, tit. 31, § 253.)

§ 254. **Disposition of records.** — (1) The records of each notary public shall each year on the thirtieth of June and upon the resignation, death, expiration of term of office, removal from or abandonment of office, or change of residence from the Trust Territory be deposited with the clerk of courts for the Truk District.

(2) By a failure for sixty days to comply with the requirement of this section, the notary public, his executor or administrator shall forfeit to the Trust Territory not less than ten dollars nor more than one hundred dollars, in the discretion of the court, in an action brought therefor by the Attorney General on behalf of the Trust Territory. (Code 1966, § 1086; Code 1970, tit. 31, § 254.)

§ 255. **Fees; schedule.** — Every notary public, except as provided in section 256 of this chapter, shall be entitled to demand and receive the following fees:

- (1) Noting the protest of mercantile paper, one dollar;
- (2) Each notice and certified copy of protest of mercantile paper, one dollar;
- (3) Noting any protest other than of mercantile paper, two dollars;

- (4) Each notice and certified copy of protest other than of mercantile paper two dollars;
- (5) Each deposition, or official certificate, two dollars;
- (6) Administration of oath, including the certificate of such oath, twenty cents;
- (7) Affixing the certificate of such oath to each duplicate original instrument beyond four, fifteen cents;
- (8) Taking any acknowledgment, fifty cents for each party signing; and
- (9) Affixing to each duplicate original, beyond one of any instrument acknowledged before him, his certificate of acknowledgement, twenty-five cents for each person making such acknowledgment. (Code 1966, § 1087; Code 1970, tit. 31, § 255.)

**§ 256. Same; notaries not entitled to fees.** — A notary public who is also a paid employee of the United States, or the government of the Trust Territory or of any district administration, and is permitted to perform services as a notary public during the working hours for which he is paid by one of these governments, shall not be entitled to demand or receive any fees for services performed as notary public during such hours or for such services performed at any other time which are in connection with or in aid of his regular employment. (Code 1966, § 1088; Code 1970, tit. 31, § 256.)