

Commissioners of Deeds for Minnesota, 1851 - 1973

By

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**Minnesota Constitution of 1857,
Article 5, Section 4:**

**[The governor] shall have the power to
appoint commissioners to take the
acknowledgment of deeds or other
instruments in writing, to be used in the
State.**

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• September 2019 •

§ A

Minnesota's economy during its territorial period and in the decades after statehood was heavily dependent on the products of land—crops and timber mostly, later ore. Land could be acquired through the Homestead Act of 1862 or by purchase from an existing owner. Real estate transactions were an important component of the growing economy. Disputes over land titles, boundaries and alleged trespassing produced considerable litigation. The specter of fraud was ever present (at its second session in 1851, the Territorial Legislative Assembly enacted a law on “fraudulent conveyances and contracts relative to land”). If both the buyer and seller of a tract of Minnesota land were residents, the transaction could be completed with little delay. The risk of fraud increased when one party resided out of state. If the seller of Minnesota real estate lived in another state and wanted to sign the deed there, the buyer living in Minnesota needed assurance that the seller's signature was genuine and the deed recordable. Residents of other states who were parties to real estate transactions with Minnesota residents wanted the same guarantee. For instance, the Minnesota settler who sold his interest in real estate in his former home state had to provide proof to the buyer that his signature on the deed was authentic. Similar concerns arose in commercial disputes when a party living in Minnesota wished to take and offer as evidence the sworn deposition of an out-of-state witness. The office of commissioner of deeds was one answer to these problems.

§ B

On March 31, 1851, the last day of its second session, the Minnesota Legislative Assembly enacted a law authorizing the territorial governor to appoint commissioners of deeds in other states.¹ A commissioner was

¹ Terr. Stat., c. 48, at 216 (1851). It was part of a bill “revising and consolidating the general statutes of the Territory” that was passed by the Legislative Assembly on March 31, 1851. Journal of the Council, March 31, 1851, at 175 (vote not recorded); Journal of the House of Representatives, March 31, 1851, at 193-94 (10-0). Governor Ramsey signed it that day. Journal of the Council, March 31, 1851, at 196. Here is the law:

OF THE APPOINTMENT OF COMMISSIONERS TO TAKE THE ACKNOWLEDGMENT OF DEEDS, &c., IN OTHER STATES.

Sec. 1. The governor shall have power to appoint one or more commissioners in any state of the United States, or of the territories belonging to the United States, who shall continue in office during the pleasure of the governor, and shall have authority to take the

authorized to take acknowledgments of deeds, leases, and other contracts to land in Minnesota Territory, administer oaths and take depositions for use in territorial courts. An act of a commissioner had the same effect as if it was made by a “proper officer of Minnesota Territory.” By mid-July Governor Alexander Ramsey had appointed almost two dozen commissioners.²

Deeds commissioners, however, did not hold an official monopoly on the acknowledgment of deeds signed in their states. In its 1851 session the Legislative Assembly also authorized the recording of deeds acknowledged by judges, notaries, justices of peace or “other officer authorized by the laws of such state, territory or district, to take the acknowledgment of deeds therein.”³ They also shared authority to take

acknowledgment and proof of the execution of any deed, or other conveyance or lease of any lands lying in this territory, and of any contract, letter of attorney, or any other writing under seal or not, to be used or recorded in this territory.

Sec. 2. Such acknowledgment or proof, so taken according to the laws of this territory, and certified to by any such commissioners, under his seal of office annexed to or indorsed on such instrument, shall have the same power and effect as if the same had been made before any officer authorized to perform such acts in this territory.

Sec. 3. Every commissioner appointed as before mentioned, shall have power to administer an oath which may be lawfully required in this territory, to any person willing to take it; and to take and duly certify all depositions to be used in any of the courts of this territory, in conformity to the laws thereof, either on interrogatories proposed under a commissioner from a court of this territory, or by consent of parties, or on legal notice given to the opposite party; and all such acts shall be as valid as if done and certified according to law, by a proper officer of this territory.

Sec. 4. Every such commissioner, before performing any duty, or exercising any power by virtue of his appointment, shall take and subscribe an oath or affirmation before a judge or clerk of one of the courts of record of the state or territory in which such commissioner shall reside, well and faithfully to execute and perform all the duties of such commissioner, under and by virtue of the laws of Minnesota, which oath, with a description or impression of his seal of office, shall be filed in the office of the secretary of this territory.

Section 2 of the Organic Act authorized this appointment power (“he shall commission all officers who shall be appointed to office under the laws of the said territory, and shall take care that the laws be faithfully executed.”). The Organic Act, enacted by Congress on March 3, 1849, organized Minnesota Territory. It is posted in the “Legislation” category in the Archives of the MLHP.

² Secretary’s ledger of Governor Ramsey’s appointments of commissioners and notaries, July 13, 1851. Appendix 10, at 64.

³ Stat. c. 46, §9, at 211 (1851). It provided:

Deeds, Mortgages, and Other Conveyances

...

depositions of witnesses located in other states for use in trials in Minnesota Territory.⁴ These were depositions upon written interrogatories

Sec. 9. If any such deed shall be executed in any other state, territory, or district of the United States, such deed may be executed according to the laws of such state, territory or district, and the execution thereof may be acknowledged before any judge of a court of record, notary public, justice of the peace, master in chancery, or other officer authorized by the laws of such state, territory or district, to take the acknowledgment of deeds therein, or before any commissioner appointed by the governor of this territory, for such purpose.

Sec. 10. In the cases provided for in the last preceding section, unless the acknowledgment be taken before a commissioner appointed by the governor of this territory for that purpose, such deed shall have attached thereto a certificate of the clerk, or other proper certifying officer of a court of record of the county or district within which such acknowledgment was taken, under the seal of his office, that the person whose name is subscribed to the certificate of acknowledgment, was, at the date thereof such officer as he is therein represented to be, that he believes the signature of such person subscribed thereto, to be genuine; and that the deed is executed and acknowledged according to the laws of such state, territory or district.

It was re-codified after statehood. Stat. c. 35, §§ 9, 10, at 398 (1858); Stat. c. 40, §§ 8-9, at 381-82 (1863).

⁴ Stat. c. 95, §29, at 475 (1851), provides:

Sec. 29. All depositions and affidavits taken out of the territory, in any other manner than is prescribed in the preceding sections, if taken before any notary public, or other person authorized by the laws of any state or country, to take depositions, may be admitted or rejected in the discretion of the court: *Provided*, That no such deposition or affidavit shall be admitted, unless it appear that the adverse party had sufficient notice of the taking thereof, and opportunity to cross examine the witness

The procedure on taking out-of-state depositions was carried over after Minnesota became a state. To depose a foreign witness, a party first applied to the District Court (or Justice Court) for permission. If the judge was satisfied, he issued a "commission" to a deeds commissioner or notary in the foreign state to take the deposition. The following is the provision for taking depositions of out of state witnesses in civil actions in the Code of Practice and Pleading, adopted in 1858.

TAKING THE TESTIMONY OF WITNESS OUT OF THE STATE.

Sec. 301. The deposition of any witness without this State may be taken under a commission, issued to one or more competent persons, in any State or County, by the Court in which the cause is pending, and the deposition may be used in the same manner, and subject to the same conditions and objections, as if it had been taken in this State.

Sec. 302. No commission shall be issued, to take testimony out of this State, except when the following requisites are complied with:

1. When an issue has been joined in a civil action in a Court of Record in this State;
2. When it shall appear on the application of either party such action, that any witness not residing in this State, is material to the prosecution or

or questions not oral examinations transcribed by a court reporter because there were no court reporters at this time.

The laws of Minnesota Territory on commissioners of deeds were patterned after laws already in use in many states. They benefited territorial residents by lowering barriers to land transactions, prevented fraud and brought more fairness to trials. They were necessitated by difficulties in travel, especially in winter months, slow mail delivery, a rudimentary title recording system⁵ and a genuine fear of buyers and sellers of being swindled. The office of deeds commissioner was a patchwork solution employed by most states to these common problems. They had the important effect of encouraging interstate commerce. It is not surprising that the office of deeds commissioner was maintained after Minnesota became a state on May 11, 1858.

§ C

Article 5 of the Minnesota Constitution, ratified by the voters on October 13, 1857, describes the composition and responsibilities of the Executive Department. Section 4 of that Article lists powers of the governor that included the power to appoint commissioners of deeds:

He shall have power, by and with the advice and consent of the Senate, to appoint notaries public, and such other officers

defence of such action, and here it shall also appear upon such application that due notice of such application is served on the adverse party at least ten days before such application is made.

Sec. 303. Every such deposition shall be taken upon written interrogatories, to be exhibited to the adverse party, or his attorney, and cross interrogatories to be filed by him if he shall think fit.

Sec. 304. The Court may make rules as to the issuing of commissions, either in vacation or term time, and the filing of interrogatories, and all other matters relating to depositions taken out of the State; *Provided*, That such rules be not inconsistent with the provisions of law.

Sec. 30[5]. All depositions taken out of, or within the State in any other manner than is prescribed in the preceding sections may be admitted or rejected, in the discretion of the Court, if it appears that the adverse party had sufficient notice of the taking thereof, and opportunity to cross-examine the witness.

Stat. Code of Pleadings and Practice in Civil Actions, Pt. II, Title I, at 77-78 (1858).

⁵ The office of the county register of deeds was established by the Legislative Assembly in 1851. Stat. c. 8, Art 2, at 62-64 (1851). Section 4 of this Article even specifies the form of the book to be kept by the register ("each page of which shall be divided into seven columns...").

as may be provided by law. He shall have power to appoint commissioners to take the acknowledgment of deeds or other instruments in writing, to be used in the State.

A question arises here: why were these minor offices even listed in the constitution? They seem out of place on a list of gubernatorial powers that included being commander-in-chief of the state militia, the ability to veto legislation and make interim appointments to head state departments. Their inclusion seems to support the frequent criticism of state constitutions that they are cluttered with specific, topical, mundane provisions better left to the legislature.⁶ To the framers, however, they were not *minor* offices.⁷ They granted appointment power over commissioners to the governor, but required that he share power over notaries with the senate. This allocation of appointment power was based on politics. Notaries lived and voted in legislative districts.⁸ For several decades after statehood the office of notary was a form of political patronage, a plum dispensed to a constituent of a legislator (realistically, so many notaries were confirmed each year that senators must have recommended most, the governor originating a few).⁹ After each legislative session, the names of new notaries were published in the journal of the senate followed by the notation that it “advised and consented to the nominations above made by the governor.” With new appointees and incumbents seeking renewals of their licenses, the numbers of notaries increased exponentially.¹⁰

⁶ Lawrence M. Friedman, *A History of American Law* 74-79 (3d edition, 2007).

⁷ The final version of the constitution that was approved by the voters in October 1857 was written by a conference committee composed of delegates from each “wing” of the constitutional convention. The members of that committee were the “framers” of the state constitution. They met in executive session and their deliberations were not preserved. William Anderson, “The Need for Constitutional Revision in Minnesota,” 11 *Minnesota Law Review* 189, 191 (1927).

⁸ Stat. c. 5, §94, at 134 (1858) (“That each notary public so appointed, commissioned and qualified, shall have power within this state, *while residing within the county for which he was appointed*, to administer all oaths required or authorized by law to be administered in this state, to take and certify depositions to be used in any of the courts of this state, to take and certify all acknowledgements of deeds, mortgages, lien[s], powers of attorney, and other instruments of writing, and to receive, make out and record notarial protests.”) (emphasis added).

⁹ During the nineteenth century, the legislature was the dominant if not domineering branch of government. While nearly impossible to document, it is also nearly impossible to think that in the 1860s and 1870s legislators did not notify the governor’s office of names of constituents they wished to be appointed notaries.

¹⁰ Until 1885 a notary had a two year term. Stat. c. 26, §2, at 378 (1878). The Twentieth Fourth Legislature meeting in 1885 extended it to seven years. 1885 Laws c. 48, §1, at 53 (effective March 9, 1885), codified as Stat. c. 26, §2, at 270 (1888). It was reduced to six

In contrast, commissioners of deeds had some political value to the governor but none to legislators. A commissioner resided in another state and may have never visited Minnesota. Applicants for this office listed references who frequently wrote separately to the governor vouching for the applicant's integrity. References were usually prominent public figures in the applicant's home state or even Minnesota, who may have been political allies of the governor. The framers recognized that the governor was in the best position to evaluate the qualifications of "foreign" commissioners of deeds. As we shall see, the fact that the governor appraised the credentials of applicants before granting them a commission was important to the real estate bar, one of the most cautious segments of a conservative profession, and perhaps to the trial bar as well.

§ C

The constitution, as we have seen, granted the governor unfettered power to appoint commissioners. That they held office at "the pleasure of the governor" was cited by Attorney General Gordon Cole in an official opinion on May 3, 1862 to Governor Alexander Ramsey, who had inquired as to how he could rescind the appointments of commissioners.¹¹ In

years in 1984. 1984 Laws, c. 504, §2, at 641 (effective April 25, 1984). And reduced again to five years in 1994, and that is where it stands at the present time. Stat. c. 359, §359.02, at 524 (2018).

¹¹ Here is General Gordon E. Cole's opinion:

His Excellency, Alex. Ramsey:

Dear Sir: Your favor of the 29th ult. is at hand, inquiring as to your power to remove a commissioner of deeds, appointed under authority of this State, and the proper method of authenticating such removal, and communicating such information to the public. The power is unquestionable. Section 46, page 403, Compiled Statutes, provides for the appointment of such commissioner, and fixes the term of office, viz.: *during the pleasure of the Governor*. The means should be of the same character, as far as possible, as those by which he was appointed. Those suggested by you are doubtless sufficient, viz.: a written notification to him, (and I think accompanied by a request to return his commission,) a copy of this instrument preserved in the executive journal and filed in the secretary's office, and an entry of the date of removal made in the records of that office. The publication of such instrument suggested by you, of course, can do no harm, and may perhaps save parties from loss. Although I do not conceive that you would be bound to go as far that.

St. PAUL, May 3d, 1862. G. E. COLE, Atty. Gen.

Opinions of the Attorneys General of the State of Minnesota from the Organization of the State to Jan. 1, 1884 70-71 (1884) (emphasis in original) (This book is posted in the

response to General Cole's advisory opinion the Governor issued a directive that commissioners of deeds held office for two years (the same as notaries) and required them to pay a fee with their application.¹² What moved Governor Ramsey to act was his realization that some commissioners resided in Confederate states. Seemingly unaware of this exchange between the governor and the attorney general, Secretary of State David Blakely notified the legislature in his annual report for the year 1863 of a need to set term limits for commissioners of deeds.¹³ His plea was misdirected but not necessarily unheeded. About this time newly appointed commissioners, who previously handwrote their oaths,¹⁴ were required to take both an Oath of Office and an Oath of Allegiance on pre-printed forms.¹⁵ The Oath of Allegiance, intended to weed out Confederate

"Attorney General" category in the Archives of the MLHP). A copy of the Governor's inquiry has not been located.

The statute cited by General Cole provides:

An Act providing for the appointment of Commissioners to take the Acknowledgment of Deeds, and other instruments, in other States.

(46.) Sec. 1. The governor shall have power to appoint one or more commissioners in any state of the United States, or of the territories belonging to the United States, who shall continue in office during the pleasure of the governor, and shall have authority to take the acknowledgment and proof of the execution of any deed, or other conveyance or lease of any lands lying in this territory, and of any contract, letter of attorney, or any other writing under seal or not, to be used or recorded in this territory.

Stat. C. 35, § 1 (46), at 403 (1858).

¹² This directive by the Governor has not been located. That it was issued is clear from tables published by the Secretary of State that listed commissioners' names, their states, the dates of their appointments and end dates of their terms. See Appendix 12, at 66-67.

¹³ Secretary Blakely notified the legislature:

I direct the attention of the Legislature to the list appended to this report, of the Commissioners of Deeds appointed by the Governor under our territorial organization, residing in other States and territories. It will be seen that not only have a number of these officers been in commission upwards of thirteen years, but many also are residents of the rebellious States, and, in all probability, are disloyal to the government. It seems obvious that the term of office of these Commissioners should be limited, the same as in the cases of Notaries Public—the more especially as they are beyond the reach of Executive vigilance, and, in some instances, may abuse the privileges accorded them without danger of punishment.

A revision of the law governing these officers is recommended

David Blakely, "Sixth Annual Report of the Secretary of State," dated December 5, 1863," in *Executive Documents of the State of Minnesota for the Year 1863* 49-50 (1864).

¹⁴ For examples, see Appendix 3, at 46-49.

¹⁵ For examples see the Oaths of Office and Allegiance in Appendix 4, at 46-49.

sympathizers, required the appointee to swear, “I have not yielded voluntary support to any pretended Government, authority, power or constitution within the United States, hostile or inimical thereto...” The length of a commissioner’s term was set at two years and extended to three years in early 1880s.¹⁶

§ D

In 1858 the first legislature after statehood passed a law on commissioners of deeds that was unchanged from the territorial statute. Their powers were listed; they held office at the pleasure of the governor; the instruments they acknowledged were considered as valid as if performed by officers within the state; and they were required to file their oaths with the secretary of state.¹⁷ It was slightly reworded in the General Statutes of 1863, a version re-codified several times in future decades.¹⁸

¹⁶ The governor’s directive extending the term has not been located. The annual reports of the Secretary of State reflect the extension.

¹⁷ 1858 Laws, c. 30, at 64-5 (July 22, 1858). It read:

An Act relating to the powers and duties of Commissioners appointed to take the acknowledgment of Deeds and other instruments in writing to be used in this State.

Section 1. That such Commissioners as the Governor shall appoint in any of the United States or Territories of the United States, to take the acknowledgment of Deeds or other instruments in writing to be used in this State, shall hold their office during the pleasure of the Governor, and they shall have power to take the acknowledgment and proofs of the execution of any deed or other conveyance or lease of any lands lying in this State, and of any contract, letter of Attorney, or any other writing under seal, or not, to be used or recorded in this State.

Sec. 2. Such acknowledgment or proof so taken according to the laws of this State, and certified to by any such Commissioner under his seal of office and annexed to or endorsed on such instrument, shall have the same power and effect as if the same had been made before any officer authorized to perform such acts in this State.

Sec. 3. Every Commissioner appointed as before mentioned shall have power to administer an oath which may be lawfully required in this State to any person willing to take the same, and to take and duly certify all depositions to be used in any of the Courts of this State in conformity to the laws thereof, either on interrogatories proposed under a Commission from any Court of this State, or by consent of parties, or on legal notice given to the opposite party; and all such acts shall be as valid as if done and certified according to law by a proper officer in this State.

Sec. 4. Every such Commissioner before performing any duty or exercising any power by virtue of his appointment, shall take and subscribe an oath or affirmation before a Judge or a Clerk of one of the Courts of Record of the State in which such Commissioner shall reside well and faithfully to execute and perform all the duties of such

The legislature granted notaries in other states nearly the same powers. If a deed was executed in another state or territory, “such deed may be executed according to the laws thereof, and its execution may be acknowledged before any officer authorized by the laws of such state, territory or district, to take the acknowledgment of deeds therein, or before any commissioner appointed by the governor of this state for such purpose.”¹⁹

Why did the legislature grant powers to notaries public that duplicated or overlapped the powers of commissioners of deeds? The easy answer is that it had no other choice—it had to recognize the policies of other states, as they did Minnesota’s. Moreover, it understood that the exercise of duplicative powers by the two offices established during the territorial period worked.²⁰ There was no need to change it. Of course, it is not quite as simple as this. Because there has been a complete absence of scholarly attention to the office of commissioner of deeds, some speculation is necessary.²¹

Comparing the two offices, notaries had one clear advantage. In numbers, deed commissioners were few, notaries abundant and more accessible. The out-of-state seller of Minnesota real estate who needed an official to acknowledge his signature to the deed might live in the same or near-by town of a notary public while the nearest Minnesota commissioner of deeds may reside far away, requiring time for travel. If convenience was the only consideration for signatories of deeds, commissioners of deeds would have vanished very quickly, but they did

Commissioner, under and by virtue of the laws of the State of Minnesota, which oath with a description or impression of his seal of office shall be filed in the office of the Secretary of this State.

Sec. 5. This Act shall take effect and be in force from and after its passage. [July 22, 1858]

¹⁸ Stat. c. 72, Title II, §§ 10-13, at 632-633 (1863) (oaths of commissioners appointed by the governor). Another chapter of the 1863 General Statutes authorized the recording of deeds executed before commissioners. Stat. c. 40, §§ 8-9, at 381-82 (1863).

¹⁹ Stat. c. 40, § 8, at 382-383 (1863).

²⁰ The Territorial Assembly and its successor the state legislature followed the examples of other states. Aside from the adoption of a variation of the Field Code and perhaps its infrequent request for advisory opinions from the Territorial Supreme Court Justices, there was little innovation in legal procedure during the territorial period.

²¹ The little that has been written about commissioners of deeds is descriptive. One of the few articles is Morris Berzon’s “History of the Massachusetts Commissioner of Deeds,” 9 *Law Society Journal* 765-767 (1940-1941). It simply describes changes in state law after 1829.

not begin to fade away until the late 1890s, a topic we will explore in a moment.

For decades a commissionership was a prized office. There were two reasons why someone—usually an attorney—wanted such a post: money and prestige. A deeds commissioner charged a fee for performing an official act, and his appointment signified to the public that he was honest and trustworthy.²² The governors of other states appointed commissioners in Minnesota and their business cards in local newspapers noted they held this office, sometimes for several states; likewise commissioners appointed by Minnesota's governor advertised in their home states.²³ Commissioners advertised because there was a *demand* for their services—and that is the reason they flourished in the latter decades of the nineteenth century. What was the source of that demand? Most likely it was the buyer's side of a land transaction or, in a collection case, the creditor. To illustrate: the Minnesota buyer's attorney required the out-of-state seller of real estate situated in Minnesota to execute the deed before a commissioner of deeds, who was an appointee of the governor of his state, not a notary.

For a time lawyers seemed to trust commissioners of deeds more than notaries public in some land transactions and some commercial litigation.²⁴ A Philadelphia lawyer who specialized in collections made this clear

²² The certificate issued by the governor stated that the commissioner held the office "together with the fees, profits and advantages to the same belonging." See Certificate at Appendix 5, at 50. The fee the commissioner charged was set by the law of the state he resided in.

²³ Examples of business cards in Minnesota newspapers of lawyers who were deeds commissioners of other states are posted in Appendix 7, at 53-59.

Some commissioners used the prestige of their office to advertise commercial products:

— Commissioner of Deeds, for all the States, Mr. G. E. Reardon, Baltimore, Md., writes that he suffered for a long time with rheumatism which yielded to no treatment until he applied St. Jacobs Oil.

This item was published in *The Mower County Transcript* (Austin), June 9, 1886, at 3, and the *New Ulm Weekly Review*, June 16, 1886, at 8.

²⁴ Of the sketchy evidence of a lack of confidence in notaries at this time, the foremost is this recommendation of Territorial Governor Samuel Medary's in his last Message to the joint convention of Legislature in December 1857:

I would respectfully suggest that a law be passed regulating the appointment of Notaries Public, and that a copy of said law accompany each commission. The propriety of this, will be apparent to all persons living in a newly and sparsely settled neighborhood.

in his request in 1873 to Governor Austin for an appointment as commissioner: “merchants prefer making Affidavits to disputed accounts with a commissioner of the State in which the merchant resides.”²⁵ Their wariness of out-of-state notaries may have been an extrapolation of their personal experiences with notaries in Minnesota. For over three decades after Minnesota became a state, notaries and other officials authorized to acknowledge deeds frequently failed to meet the statutory requirements, forcing the legislature to pass “curative” laws that “legalized” defective deeds already recorded. This occurred in 1858, 1863, 1867, 1870, 1871, 1872, 1873, 1874, 1875, 1877, 1879, 1881, 1883, 1885 and 1889. These curative laws were itemized in the 1891 General Statutes, where they present a stunning chronicle of decades of ineptitude by notaries, other officials and even lawyers who oversaw the execution of deeds they had drafted.²⁶

Though it is not possible to document the actual division of work of individual commissioners, it may be that their title—commissioner of *deeds*—misleads us into thinking that their main activity was acknowledging instruments in real estate transactions (which may have been the original cause of their creation) but over time most of their official work was spent acknowledging affidavits, depositions for use in litigation and a wide range of commercial documents.²⁷ The number of court cases in Minnesota in which a document acknowledged by a commissioner of deeds (or notary) was offered into evidence probably exceeded the number of real estate transactions involving an out-of-state seller and the number of commercial transactions in which a commissioner was employed probably exceeded both. Because acknowledging deeds or depositions was not a full-time occupation, notaries and commissioners (and individuals frequently held both offices) had to have other ways to make a living, lawyering being the most common.

Journal of the House of Representatives, December 11, 1857, at 35.

²⁵ Letter from Henry P. Roche to Governor Austin, March 29, 1873, Appendix 1, at 26.

²⁶ Stat. Vol. 2, c. 55, §§ 4164-4195, at 79-88 (1891).

²⁷ For example, the articles of incorporation of the Northwestern, Minnesota and Red River Valley Railroad Company were published in the *St. Paul Daily Globe*, March 19, 1883, at 3. The articles were executed on March 8, 1883, before “GEO. R. JAQUES, Commissioner of Deeds for the State of Minnesota, in New York, 252 Broadway.”

The articles of incorporation of the Minnesota Iron Company signed by Charlemagne Tower and Charlemagne Tower, Jr., were executed in Philadelphia on October 9, 1882, before “J. A. BAILEY, Commissioner of Deeds, etc. in Pennsylvania for Minnesota.” The articles and acknowledgment were printed in the *St. Paul Daily Globe* on November 15, 1882, at 2,

§ E

Beginning in the 1890s, there was a steady decline in the number of Minnesota commissioners of deeds in other states. So also did the number of commissioners of other states residing in Minnesota—confirming that the decline in their numbers was a national phenomenon (there was not a corresponding decrease in the numbers of notaries). The statistics, compiled by the Secretary of State, are striking.²⁸ The number of Minnesota commissioners in other states declined by 48% from 1868 to 1882, another 45% from 1882 to 1900, and 63% from 1900 to 1909. The number of commissioners from other states residing in Minnesota fell by 53% from 1881 to 1892, by 37% from 1892 to 1902, and by 50% from 1902 to 1906, when the Secretary of State ceased to publish statistics on these office holders. By 1909 only 19 commissioners for Minnesota resided in other states. Few commissioners resigned their offices; most did not renew their applications after their terms ended.²⁹

The reasons for their decline beginning in the early 1890s are conjectural. It begs the question to state the obvious — that there was less demand for their particular services. Though statistics are not available, interstate economic activity, with perhaps a pause caused by the Panic of 1893, increased during the 1890s and early 1900s, resulting in an increased need or demand to have deeds and other documents acknowledged by officials recognized by the State of Minnesota. As the work of commissioners declined that of notaries increased. Commissioners had become a secondary source of legal assistance to Minnesota residents having business interests in other states. The author of a practitioner's manual for New York notaries and commissioners published in 1912 made this point:

Purpose of the Office of Commissioner of Deeds. —
Commissioners of deeds are appointed to supplement the
number of notaries and to facilitate business, both legal and

²⁸ See Tables 1 and 2 in Appendix 12 & 13, at 66-71. The statistics in these tables are taken from the Annual and Biennial Reports of the Secretary of State, which were included in The Executive Journals or published separately and can be found at the State Law library, the Historical Society and (mostly) online.

²⁹ For examples of commissioners' request for reappointment because they moved, see Appendix 8, at 60-62.

commercial. Foreign commissioners are appointed to aid New Yorkers in other states and countries and to simplify the legal machinery where possible.³⁰

Earlier we suggested that some Minnesota lawyers' distrust of the competency of notaries lead them to prefer commissioners to acknowledge deeds, depositions and commercial documents signed in other states. This seems the most realistic explanation for the steady demand for the services of commissioners in the 1860s, 1870s and 1880s even though notaries, who could perform the same functions, were more common and accessible. Lawyers' belief in the honesty and integrity of commissioners never seems to have lessened but the reputations of notaries must have increased and that is why, in the competition for work between the two offices, notaries prevailed by the early 1900s.

If these posits are correct or nearly so, the question arises: why did trust in notaries increase? For starters, by the 1890s the state legislature no longer enacted curative legislation on a regular basis,³¹ suggesting that notaries had become more conscientious; they must have realized that a defective deed would be rejected by the county register of deeds. The sheer number of notaries appointed and reappointed and the lengthening of their terms from two to seven years strongly suggests that it had become relatively easy to become a notary—in other words, the process had become depoliticized.³² By the close of the century notaries had acquired a stature at least equal to that of commissioners.

³⁰ Joseph Osmun Skenner, *A Handbook for Notaries Public and Commissioners of Deeds in New York* §71, at 91 (1912).

³¹ The General Statutes still had curative provisions for several decades. E.g., Stat. c. 63, §§6845-6847, at 1471 (1913).

³² At the end of the Ninth Legislative session in 1867, the Senate confirmed 111 notaries. In 1876, it confirmed 491 notaries, and in 1883, it confirmed 2,893 notaries, the list consuming 51 pages of its Journal. The extension of a notary's term from two to seven years in 1885 suggests that it had become less politically beneficial, even a distraction to legislators.

Today the office is completely non-politicized—that is, democratized—and most anyone can qualify for and be issued a notarial license. Still, the constitutional requirement that the Senate confirm the governor's appointees remains intact. See Article 5, §3 of the Restructured Constitution of 1974 ("With the advice and consent of the Senate, he may appoint notaries public and other officers provided by law"). At the present time, during a legislative session the governor sends a list of names of notarial appointees to the Senate, which later votes to confirm the list en masse. That vote is recorded in the *Senate Journal* but the names are not printed. See Appendix 11, at 63, for the confirmation of notaries by the Senate during the 89th Legislature.

Finally a small development may be noted: In 1885 the first title insurance company began operating in Minneapolis and a year later in St. Paul.³³ Insurance companies excel in their ability to assess and weigh risks. That companies would issue title insurance in these cities is a sign that the period of derelict notaries and their defective deeds was nearly over and that title searches based on the records of the county register of deeds were reliable.

§ F

Though their numbers were in obvious decline in the early 1900s, the statute setting the powers of commissioners was not changed over the next seven decades.³⁴ Once an important office, it was quickly forgotten.

³³ “The Beginnings of Title Insurance in Minnesota, 1885-1886” (MLHP, 2018).

³⁴ The pertinent sections of General Statutes of 1923 provide:

Sec. 6977. In other states—By whom taken—Deeds or other written instruments affecting property in this state may be acknowledged, at any place within the United States or in any territory belonging thereto before, and such acknowledgments may be certified by, the following officers:

1. Any judge or justice of the supreme, circuit, or district courts of the United States, or of a court of record of any state, territory, or district therein.

2. The clerk and deputy clerk of any of said courts.

3. Any notary public or justice of the peace, or any commissioner appointed by the governor of this state for that purpose.

But no acknowledgment so certified shall be valid unless taken within the place or territory for which such officer was chosen, or to which the jurisdiction of the court of which he is an officer shall extend.

Sec. 6978. Certificate, how authenticated—If any certificate authorized by § 6977 be signed by a commissioner appointed by the governor of this state, or, by a notary public, clerk of court, or other officer having a seal of office, an impression whereof is affixed, no other authentication shall be required. If by an officer appointed by the governor of such other state or territory, and having no official seal, it shall be sufficient if accompanied by the declaration of the secretary of said state or territory, or his assistant or deputy, under the seal thereof, that at the purported date of said acknowledgment the person certifying held the office under which he assumed to act; or, in lieu thereof, the mode of authentication hereinafter prescribed may be used. In all other cases there shall be attached to such certificate a declaration of the clerk or other certifying officer of a court of record of the county or district in which the acknowledgment was taken, under the seal of said court, that he knows the handwriting of the person who signed the same, that at the time of said purported acknowledgment such person held the office under which he then assumed to act, and that he believes the signature subscribed to said certificate to be genuine.

Stat. c. 48, §6977-6978, at 978 (1923). The law was unchanged for decades: compare Stat. c. 358, §§358.22-358.23, at 3334 (1961); in 1971 it was still in the chapter on “Seals, Oaths, Acknowledgments.” See Stat. c. 358, §§358.22-358.23, at 4258 (1971) The only addition to the law on commissioners was passed in 1923:

The office of commissioner of deeds was abolished on April 19, 1973, when the Minnesota Legislature adopted the Uniform Recognition of Acknowledgments Act.³⁵

§ G

Though commissioners of deeds are extinct, they remain embedded in Article 5, Section 3, of the present Minnesota Constitution, revised in 1974, like a fossil resting on the shelf of a museum:

[The governor] may appoint commissioners to take the acknowledgement of deeds or other instruments in writing to be used in the state.



An act to legalize acknowledgments taken by Commissioners of Deeds for the State of Minnesota after their term of office had expired, together with the record of instruments bearing such acknowledgments.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Certain acknowledgements legalized.—That all acknowledgements taken by any Commissioner of Deeds for the State of Minnesota after his term of office had expired, together with the records thereof where the instrument bearing such acknowledgment has been recorded as provided by law, are hereby legalized and made valid and effectual for all purposes, and of the same force and effect as if taken during his term of office.

Sec. S. Application.—This act shall not apply to or affect any action now pending in any court of this State.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 28, 1923.

1923 Laws, c. 97, at 92 (effective March 28, 1923); in the General Statutes of 1923, this curative law was tucked away in the chapter on “Oaths and Acknowledgments” rather than in “Conveyances of Real Estate.” See Stat. c. 48, §6975, at 978 (1923).

³⁵ 1973 Laws, c. 116, at 119-204 (April 19, 1973). The Act was effective July 1, 1973. Section 10 of the Act repealed Minn. Stat. §358.22 (1971), which authorized commissioners of deeds. (Somehow the office survived the “restructuring” of the constitution in 1974).

APPENDIX

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1. Applications to the governor for appointment to be commissioners of deeds

In the years after the initial establishment of the office of commissioners of deeds in 1851, Minnesota governors received applications for appointment from residents of other states.

The following is an application from a New Yorker to Governor Gorman in 1857:

To His Excellency,
Willis A. Gorman,
Governor of Minnesota Territory,
&c. &c.

The undersigned, engaged
in business in the City of New York, respectfully
makes application for an appointment as Commissioner
for the State of New York, representing the Territory
of Minnesota. He believes that the interest and
convenience of a large number of his Constituents
will be benefitted thereby. He has permission to
refer to Messrs Marshall & Co, Bankers, at St. Paul.
New York, August 21st. 1855. John M. Kelly

He wrote directly to Governor Gorman. A different approach was taken the following year by John C. Hollinshead, a resident of the District of Columbia, who wrote to Henry Rice, who represented Minnesota Territory in the U. S. House of Representatives, requesting his "influence" with the governor to acquire a commissionership. He states that he already was a commissioner "for many of the states," and listed four references. Interestingly he closes by noting the unavailability of two current Minnesota commissioners in the District — Commissioner Thomas was in Europe and Commissioner Deselding was "absent" — which "subject citizens and strangers to inconvenience."

Washington City Aug 19/56

Wm Henry M. Rice

Sir

Will you excuse me for asking
your influence with the Gov of Minnesota for my appt
as a Commr for the Dist of Col to take the Acknowledgt
of Deeds &c under seal to be used and recorded in said
Territory. I am a Commr for many of the States.

I would refer to

Wm Jas S. Orr

" Jas. J. Lindly

" S. Caruthers.

and to W. M. Seaton Esq

The absence of Commr Thomas (in Europe) and the
often absence of Commr Deselting Subject Citizens & Strangers
to inconvenience, tho my being Notary Public avoids much
of the inconvenience

Very Resp^{ly}

John S. Hollingshead

Notary Public &

Justice of the Peace

This applicant did not enclose references but reminds the governor, "You know, Sir, how easily such documentation can be obtained..."

Louisville, Kentucky, Nov 6th 1861.

To His Excellency,
The Governor of Minnesota:

Honored Sir, I respectfully ask you to authorize
a commission to be forwarded to me, giving me
the ^{power} ~~power~~ to take the acknowledgment of D. Elds
and other writings executed in the State of Ken-
tucky to be recorded and entered in the State
of Minnesota.

I am, perhaps, an entire stranger to you; and it is
probable, this request should have been accompanied with
Certificate of my integrity and ability to perform the
duties pertaining to the office - You know, Sir, how
easily such documents can be obtained, and I have
not considered it necessary, stating to you that I taught
the Honble James Guthrie to go to the State of
Louisiana for all the Presidency, waited State except
S. Carolina; but would not - to save my life -
do any act, in any way which would tend in
the slightest degree, to recognize their independence.
I am also now Commissioner for New York, Massachusetts,
Pennsylvania, Ohio, Indiana, Illinois, Missouri &
California. I know, Sir, you will believe my statement;
but if you shall prefer a Recommendation, you
shall have it.

I am very respectfully
Yours

James S. Dozier

In this request, the applicant emphasizes his background as a real estate agent.

Room 13 Lombard Block
Chicago Ill
May 12th 1870

Hon Horace Austin
Governor of the State of
Minnesota
Sir

I respectfully request an appointment as Commissioner of deeds for the State of Minnesota for the purpose of taking acknowledgments in the State of Illinois. I am at present a Notary public for this City, and in the ~~usual~~ course of my business as Real Estate Agent, transactions are entered into requiring the authentication of instruments of writing for Minnesota.

I therefore ask that a commission be granted me for that purpose, to which a faithful compliance with the Laws of the State of Minnesota is expressly agreed. I wait your answer for instructions.

Very Respectfully

Yours Obsequent

John S Gould

The following two letters should be read together. The first is an application from a New York resident; the second is the recommendation from Morton Wilkinson, U. S. Representative from the First Congressional District:

12 Pine Street
New York Jan 70
Hon Horace Austin
Governor of Minnesota

Your Excellency
I have the honor respectfully to
petition Your Excellency for my
appointment as Commissioner to take
Acknowledgments Depositions &c
in this City & State - for the State
of Minnesota - & beg leave to call
the attention of Your Excellency
to the enclosed letter of Hon M S
Wilkinson M.C. from Minnesota -
endorsing my application

Trusting the matter will
receive the favorable attention
of Your Excellency

I am

Respectfully
Arthur W. Knapp

At the time he wrote this recommendation, Representative Wilkinson was a "lame duck." At this time congress convened in March. He was elected in 1868, did not run in 1870, and was defeated in 1872.

House of Representatives

Washington Day 18. 1870

His Excellency Horace A. Bush

Sir

new York. Arthur W. Knapp
of ~~the city~~ a very worthy and responsible
man desires the appointment of com-
missioner to take acknowledgments of
deeds &c for Missouri. The appointment
if made will be a good one, and since
I have the honor to request his ap-
pointment.

Respectfully yours

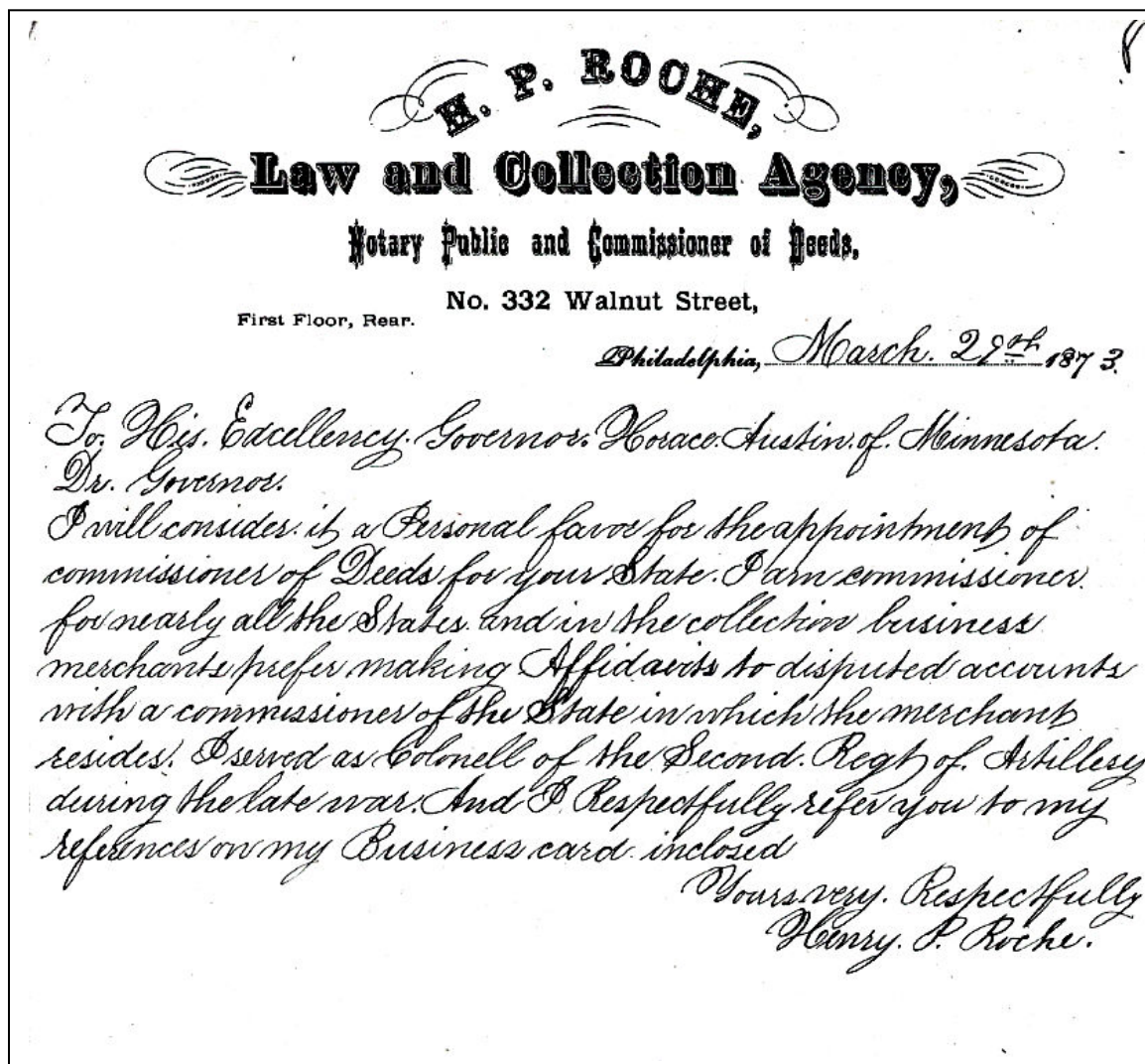
Obt Servt

M. Wilkinson

Arthur Knapp succeeded in becoming a Commissioner of Deeds
for Minnesota.

12 Pine St
New York Jan 31/70
A R Mc Gill Esq
Private Secretary to
Dear Sir
Your favor of the
26th inst is at hand
In compliance with its
instructions, I have with
enclose. My Oath of Office
& fee of \$3⁰⁰ which I send in form
of check for security
Yours
Arthur W. Knapp

Request from a Philadelphia lawyer who specializes in collections. He is both a notary public and a commissioner of deeds, presumably for many states. It is noteworthy that he informs Governor Austin, "in the collection business merchants prefer making Affidavits to disputed accounts with a commissioner of the State in which the merchant resides."



2. Recommendations to governor of Minnesota for appointment as commissioner of deeds.

This from two Ohio judges:

Cincinnati, Ohio, February 28th, 1888.

To His Excellency Wm R Marshall
Governor of the State of Minnesota

The undersigned respectfully represent that Samuel S. Carpenter, an applicant for the renewal of his commission as Commissioner of Deeds &c., for the State of Minnesota is well qualified for that position, and recommend his re-appointment thereto.

Very Respectfully,

Wm R Marshall

Judge of Superior Court of Cincinnati

Wm. F. Force

Judge of Court of Common Pleas.

This recommendation claims that if the company's cahier becomes a commissioner, "it would prove of great convenience to the business community in our vicinity." Here is more proof that a commissioner was needed to acknowledge commercial documents besides real estate deeds.

KASSON & CO.
COMMISSION MERCHANTS,
FOR THE SUPPLY OF
Rail Road Iron, Locomotives, Cars,
Chairs, Spikes, and R. R. Material,
OF EVERY DESCRIPTION,
No. 62 Broadway, New York.
Proprietors Kasson's Locomotive Express.
New York Feb 13th 1868.

*Hon. Gov. W. H. Marshall,
St. Paul. Minn.*

Dear Sir:

*We beg to recommend to
your favorable notice, the enclosed application
of C. Gullett Kasson for an appointment
as Commissioner of Deeds for your State.*

*The applicant is in our employ as
Cashier, he is honest, sober & capable, & his
appointment would prove of great convenience
to the business community in our vicinity.*

Very Respectfully,

Your Obedient Servants,

Kasson & Co

A preprinted recommendation form used by judges in Memphis, Tennessee. It is dated May 9, 1870 on the back.

To his Excellency, *Governor of Minnesota.*
St. Paul.

*Dear Sir: We, the undersigned Judges of the different Courts, and
Citizens, take pleasure in recommending to you for appointment as Commissioner
for your State, the name of John P. Boughner.*

Mr. Boughner is now acting, by election, as Notary Public.

With much respect, we remain,

Yours, Respectfully,

T. C. BLECKLEY,
Chairman County Court Shelby County

G. P. FOUTE,
Judge Municipal Court of Memphis.

A. WOODWARD,
County Trustee.

M. D. L. STEWART,
Clerk Circuit Court.

JNO. P. SAMUELS,
Deputy Register Shelby County.

J. A. ANDERSON,
Judge of Law Court of Memphis.

J. T. SWAYNE,
Judge 15th Judicial Circuit.

A recommendation from "Doc" Ames in 1873:

Office of A. E. AMES, M. D.,

Minneapolis, Minn., Sept. 5th 1873

Hon. Horace Austin,
Governor of Minnesota:

We would be pleased to have you
appoint, Yvon Pike, Esq., of Washington City, D. C.
Commissioner of Deeds for the State of Minnesota.

Mr. Pike is 24 years of age, educated in
the Law: upright, honest, faithful, competent.

Respectfully Yours,

A. E. Ames,

E. A. Ames

A. D. Washburn

This applicant from Chicago took no chances: he enclosed a recommendation from the governor of Illinois.

Lyman B. Tichenor,
126 S. Clark St.
CHICAGO.

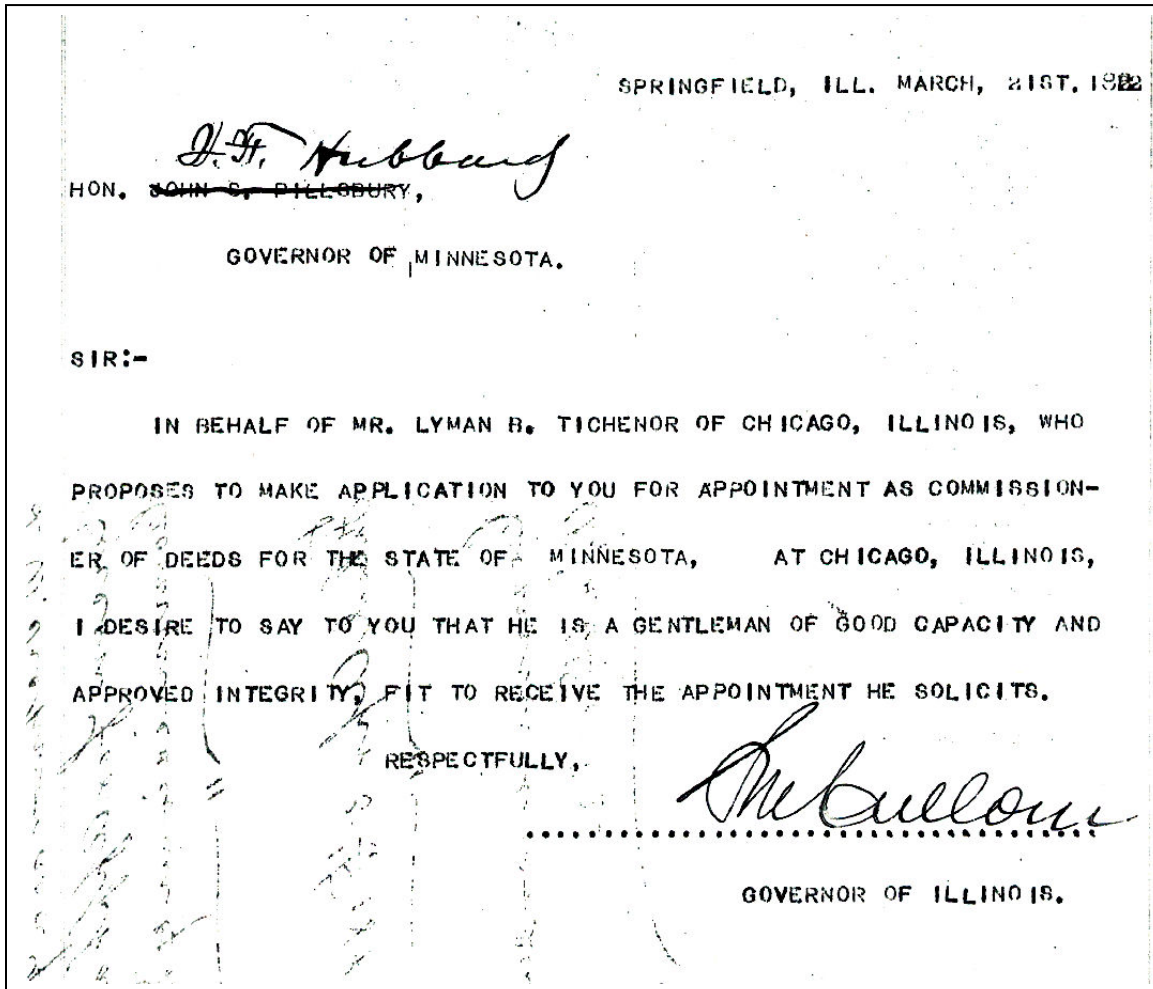
Chicago, April 4th 1882

Hon J. F. Hubbard
Governor of Minnesota
Dear Sir

I wish to
secure the appointment of some
commissioner of Deeds for the
State of Minnesota to reside
in Chicago in accordance
with instructions from your
secretary of State I enclose
to you a letter from Hon S.
M. Hullom Governor of Illinois
recommending me for
such appointment also
my oath of office, impression
of seal and draft No 142399
for \$5⁰⁰ amount of fees

Yours very truly
Lyman B. Tichenor
126 S. Clark St

Letter of recommendation to Governor Hubbard from the Governor of Illinois. It succeeded: A handwritten notation on the back states Tichenor was "commissioned April 6th, 1882."



The Governor of New York had so many requests for his recommendation for commissionerships that a preprinted form was developed.

STATE OF NEW YORK.

EXECUTIVE CHAMBER,

Albany, *February 21. 1883.*

Sir:

Abram Vile of
Saratoga Springs in this State,
is recommended to me by reputable citizens of this State as a fit and
proper person for the office of **Commissioner of Deeds** for the
State of *Minnesota*.

His application for appointment, therefore, is hereby commended.

I am, Sir,

Very respectfully yours,

Allen Clark
Governor.

To *Hon. Lucius F. Hubbard,*

Governor of the State of *Minnesota.*

Samuel J. R. McMillan served as a Justice on the Minnesota Supreme Court from 1864 to 1875, and U. S. Senator from 1875 to 1887.

U. S. SENATE

WASHINGTON

March 24 1883

Sir:

Ethan Allen Esqum of No. 5 1/2 Pine Street New York, desires an appointment as Commissioner for the State of Minnesota, to take acknowledgments of deeds &c in New York, and sends me the inclosed recommendation from Senator Geo. F. Edmunds. Upon this recommendation and the accompanying application, I respectfully recommend his appointment to the position he desires.

Very respectfully

S. J. R. McMillan

Gov. S. F. Hubbard
Saint Paul, Minn.

Here Walter H. Sanborn requested that Governor Hubbard recommend to the governor of Massachusetts that he appoint N. L. Frothingham, a St. Paul lawyer, Commissioner of Deeds for Massachusetts.

GEN. JOHN B. SANBORN.
WALTER H. SANBORN.
EDWARD P. SANBORN.

LAW OFFICES OF

John B. & W. H. Sanborn,

German American Bank Building,

NO. 94 EAST THIRD STREET,

St. Paul, Minn. Dec 3 1883

His Excellency L. F. Hubbard
Governor of Minnesota

Dear Sir

N. L. Frothingham

A young attorney whose office is 54 Boston Block
Minneapolis Minnesota desires to be appointed
Commissioner of Deeds for Massachusetts residing
in Minnesota:

He is recommended to me by Ex U. S. Senator
Bambridge Hadleigh of New Hampshire and
from my acquaintance with him I am satis-
fied he is in every way worthy of and
suitable for the appointment:

The regulations of the Executive depart-
ment of Massachusetts require from you
a recommendation of Mr. Frothingham for
this appointment before the Governor of
Massachusetts will make the appointment

Will you kindly give Mr. Frothingham such

GEN. JOHN B. SANBORN.
WALTER H. SANBORN.
EDWARD P. SANBORN.

LAW OFFICES OF

John B. & W. H. Sanborn,

German American Bank Building,

NO. 94 EAST THIRD STREET,

St. Paul, Minn. 188

a recommendation and greatly oblige
Yours Respectfully
Walter H. Sanborn

Governor Hubbard was swayed by this letter and must have written the governor of Massachusetts, who appointed N. L. Frothingham commissioner of deeds for the state of Massachusetts. His name is on the list of commissioners maintained by the Secretary of State of Minnesota for the fiscal years ending July 31, 1885 and 1886. He then apparently did not renew his license. In the Secretary's report for the fiscal year 1888, only Robert R. Odell of Minneapolis is listed as deeds commissioner for Massachusetts.

3. Oaths of Office taken by newly-appointed Commissioners

Before he could officially act, the newly appointed commissioner took the oath required by Section 4 of the Act: "well and faithfully to execute and perform all the duties of such commissioner, under and by virtue of the laws of Minnesota." The oath was taken in the appointee's home state before a judge or clerk of court who affixed his seal and sent it to the Secretary of Minnesota Territory. The rest of the form varied from jurisdiction to jurisdiction. Most are handwritten until preprinted forms were introduced during the War. Here are eight oaths filed with the territorial secretary between 1854 and 1857.

Oath of a Massachusetts appointee in 1854:

Commonwealth of Massachusetts

Suffolk Co. Boston, March 25th 1854 -

I, Edmund B. Otis of Boston, in the County of Suffolk & said Commonwealth having been duly appointed by the Governor of the Territory of Minnesota a Commissioner for said Territory to take the proof and acknowledgement of Deeds & other instruments to be used or recorded in said Territory & to administer oaths or affirmations, pursuant to chapter forty-eight of the Revised Statutes, approved March 9th 1857, do solemnly swear that I will well and faithfully execute and perform all the duties of said office, under and by virtue of the laws of Minnesota.

Edmund B. Otis

Suffolk Co. Boston. March 1854. -

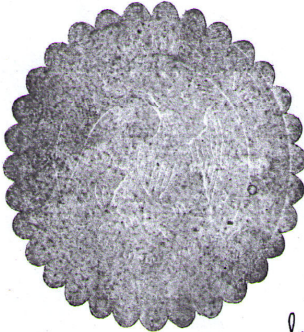
Subscribed & Sworn to before me
Geo. C. Wilde, Clerk of the
Supreme Judicial Court
in & for said County of
Suffolk.

Seal of Office }

Oath of a South Carolina appointee in 1855:

State of Louisiana }
City of New Orleans }

I, William Shannon a resident of the City of New Orleans, State of Louisiana, having been appointed by the Governor of Minnesota Territory, a Commissioner in and for said City of New Orleans, to take the acknowledgements and proof of the execution of Deeds and other instruments in writing under seal, to be used or recorded in said Territory, and to administer oaths and affirmations, do solemnly swear that I will well and faithfully execute and perform the duties of such Commissioner, under and by virtue of the Laws of said Minnesota Territory.



William Shannon
Comm.

State of Louisiana }
City of New Orleans }

On this thirtieth day of November, One thousand eight hundred and Fifty five, the said Wm Shannon took and subscribed the foregoing oath, Before me Chief Justice of the Supreme Court of the State of Louisiana
December 1st 1855

Edwin T. Merrick
Ch. J.

This oath of a Wisconsin appointee in 1857 lacked a seal:

I Martin L. Webb dwelling in the City of
La Crosse State of Wisconsin having been duly
appointed Commissioner for Minnesota to admin-
ister Oaths to Certify Depositions and to take ac-
knowledgements or proofs of Obedt Conveyances, Records,
Rights of Attorney, or any writing to be used in said
Minnesota, do solemnly swear that I will well
and truly execute and perform all the duties
of said Commission under and by virtue of
the laws of Minnesota to the best of my
ability, and that I will support the Constitution of the United States
And I further Certify the annexed to be
a true and correct impression of my Seal of
Office as such Commissioner. M. L. Webb
Subscribed and sworn to before me this
Twenty fourth day of May 1857—
Harvey C. Hubbard
Clerk Circuit Court
La Crosse Co. Wis—

Oath of a Pennsylvania appointee in 1857:

The Commonwealth of Pennsylvania

City and County of Philadelphia p.

I, James W. Fletcher Esquire, Prothonotary of the District Court for the City and County of Philadelphia, Do certify, that the Honorable George Sharswood, by whom the foregoing attestation was made, and whose name is thereto subscribed, was at the time of making thereof and still is, President Judge of the District Court for the City and County of Philadelphia, duly commissioned and sworn, to all whose acts as such, full faith and credit are and ought to be given, as well in Courts of Justice as elsewhere -

In testimony whereof I have hereunto set my hand and affixed the seal of the said Court the twenty ninth day of June Anno Domini eighteen hundred and fifty seven.

*James W. Fletcher,
Prothonotary.*

City & County of Philadelphia p.

I, George Sharswood Esquire, President of the District Court for the City & County of Philadelphia, do certify, that the foregoing attestation made by James W. Fletcher Esquire, whose name is thereto subscribed, and seal of office affixed, is in due form and made by the proper officer -

In testimony whereof I have hereunto set my hand the twenty ninth day of June A. D. 1857.

Geo. Sharswood.

Oath of a Pennsylvania appointee in 1857:

State of Pennsylvania }
City & County of Philadelphia } ss.

Be it Remembered, That on, this Twenty ninth day of June in the year of our Lord one thousand eight hundred and fifty seven, before me the Honourable George Sharswood, President Judge of the District Court for the City and County of Philadelphia, one of the Courts of Record of said State of Pennsylvania, personally appeared William J. MacMullan of said City and County, Attorney at Law, and who, being by me duly sworn according to law, did depose and say, that having been appointed by the Hon. Samuel Medary, Governor of the Territory of Minnesota, a Commissioner for said Territory, to take the acknowledgment and proof of the execution of any deed or other conveyance, or lease of any lands lying within said Territory, or of any contract, letter of attorney, or any other writing under seal or not, to be used and recorded in said Territory, he would well and faithfully execute and perform all the duties of such Commissioner under and by virtue of the laws of Minnesota.

In testimony whereof I have hereunto set my hand and seal the day and Year first above written.

Geo. Sharswood



Oath of a New York appointee in 1857:

State of New York
City County of New York SS.
I, William W. Stephenson
duly appointed by the Governor of
the Territory of Minnesota, a Commissioner
for the Territory of Minnesota, residing
at the City of New York in the State
of New York do solemnly swear that
I will well and faithfully execute
and perform all the duties of such
Commissioner, under and by virtue
of the laws of said Territory of
Minnesota.

Witness my hand and subscribed to
by the said Wm. W. Stephenson
before me, this Tenth
day of November A.D. 1857.
In Testimony whereof I hereto affix
my Official Seal & sign my name.

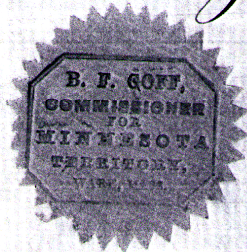
J. N. Hobart, Clerk
Commissioner for Minnesota & Resident in State of N. York.

Official Seal

Wm. W. Stephenson
Commissioner for Minnesota &
Resident in the City of New York.

Cover letter from B. Goff, an appointee residing in Massachusetts, enclosing his oath and a \$5.00 draft for the filing fee (the oath follows on the next page).

Ware Mass
Dec 1st 1854.
Chas L Chase Esq
Secretary
Dfpr
I have the pleasure
to hand you my Oath Certified
and the fee \$5.00 five dollars,
and have given an impression
of my seal, trusting all will be
satisfactory I remain
your Obedt Serv
B. F. Goff



Oath of B. Goff in 1857:

I Benj. F. Goff residing in Ware in the County of Hampshire Commonwealth of Massachusetts. Appointed by the Governor of the Territory of Minnesota a Commissioner for the Territory of Minnesota. to take the proof and acknowledgments of deeds and other instruments and to administer Oaths pursuant to the act of the Legislature of the said Territory. entitled "an act to authorize the appointment of Commissioners to take the proof and acknowledgments of deeds and other instruments and to administer oaths in other States and Territories. passed by said Territory do solemnly swear that I will well and faithfully execute and perform all the duties of such Commissioner under and by virtue of the laws of the Territory of Minnesota.

Benj. F. Goff

Taken and subscribed this second day of November in the year 1857. before me,

Adrian Knefsut
Justice of the Peace

Here are two oaths taken after statehood.

Handwritten oath of appointee from Wisconsin in 1859:

I - Thompson Ritchie - do solemnly swear
to support the Constitution of the United States - and
of the State of Minnesota - and truly and faithfully dis-
-charge the duties of the Office of Commissioner for the
State of Minnesota - in and for the County of Douglas
and State of Wisconsin

Thompson Ritchie *Esq.*

State of Wisconsin
County of Douglas *SS*

Seen and Subscribed to - before me
this 4th day of January AD 1859.

John J. Horton
Deputy Clerk Circuit Court

By 1873 the oath of the newly appointed commissioner of deeds was on a preprinted form that cited the various documents a commissioner could acknowledge from the 1866 General Statutes (they had not changed since 1851).

State of Massachusetts,
County of Suffolk } ss.
City of Boston, Geo. T. Angell
residing in the City of Boston in the State
of Massachusetts, appointed by the Governor of the State of Minnesota,
a Commissioner in and for the State of Massachusetts to take the
acknowledgment and proofs of the execution of any deed or other conveyance, or lease of
any lands lying in the State of Minnesota, and of any contract, letter of attorney, or any
other writing under seal or not, to be used or recorded therein, administer oaths and
affirmations and take and certify depositions to be used in the said State of Minnesota,
pursuant to Title II, of Chapter 72, of the General Statutes of Minnesota, do solemnly
swear that I will well and faithfully execute and perform all the duties of such
commissioner under and by virtue of the laws of the said State of Minnesota; and further,
that the following is a true impression of my seal of office, with my official signature as
such Commissioner.

Geo. T. Angell

Impression of Official Seal.



OFFICIAL SIGNATURE,

Geo. T. Angell


[This oath was on legal size paper. The signatures of subscribing officials are omitted.]

4. Oath of Office and Oath of Allegiance.

During the Civil War appointees were required to sign Oaths of Office and Allegiance on preprinted forms. The completed forms that follow are reduced.

(OATH OF OFFICE.)

State of Maine }
County of Kennebec } ss.
I, Joseph M. Meserve
residing in the City of Augusta in the State of
Maine, appointed by the Governor of the State of Minnesota, a Commissioner
in and for the State of Maine to take the acknowledgement and proof of the
execution of any deed or other conveyance, or lease of any lands lying in the State of Minnesota, and of any contract, letter
of attorney, or any other writing under seal or not to be used or recorded therein, administer oaths and affirmations and take and
certify depositions to be used in the said State of Minnesota, pursuant to an act of the Legislature thereof, approved July
22, 1858, entitled "an act relating to the powers and duties of Commissioners appointed to take the acknowledgment of
Deeds and other instruments in writing, to be used in this State," do solemnly swear that I will
well and faithfully execute and perform all the duties of such commissioner under and by virtue of the laws of the said State
of Minnesota; and further, that the following is a true impression of my seal of office, with my official signature as such
Commissioner.

Subscribed and Sworn to before me this
sixth day of July
A. D. 1884.
 Wm M. Stratton, Clerk of
the Supreme Judicial Court
for said County

Impression of official seal.

Joseph M. Meserve

Official Signature.

Joseph M. Meserve
{ Commissioner for the State of
Minnesota

(OATH OF ALLEGIANCE.)

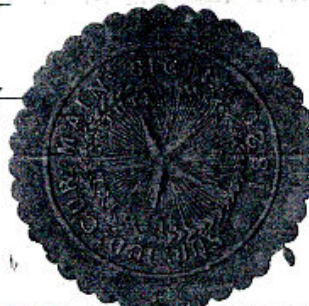
State of Maine }
County of Kennebec } ss.
I, Joseph M. Meserve
residing in the City of Augusta in the State of
Maine do solemnly Swear that I have never, vol-
untarily, borne arms against the United States since I have been a citizen thereof; that I have, voluntarily, given no
aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor
accepted, nor attempted to exercise the functions of any office whatever under any authority or pretended authority, in
hostility to the United States; that I have not yielded voluntary support to any pretended Government, authority, power
or constitution within the United States, hostile or inimical thereto, and that I will support, protect and defend the
Constitution and Government, of the United States against all enemies, whether domestic or foreign, and that I will bear
true faith, allegiance, and loyalty to the same, any ordinance, resolution or law of any State, Convention or Legislature to the
contrary, notwithstanding; AND FURTHER, that I do this with a full determination, pledge and purpose, without any
mental reservation or evasion whatever; AND FURTHER, that I will truly and faithfully perform all the duties which
may be required of me by law. So help me God.

Subscribed and Sworn to before me this

sixth day of July
A. D. 1864.



Wm M Stratton, Clerk
of the Supreme Judicial Court
for said County.
Witness the seal of said Court



NOTE.—The foregoing oaths or affirmations must be subscribed and taken before a Judge or a Clerk of one of the Courts of Record
of your State.

The following were completed by an Ohio appointee in 1866:

(OATH OF OFFICE.)

State of Ohio }
County of Hamilton } ss. Ruben Tyler
I, Ruben Tyler
residing in the City of Cincinnati in the State of
Ohio, appointed by the Governor of the State of Minnesota, a Commissioner
in and for the State of Ohio to take the acknowledgement and proof of the
execution of any deed or other conveyance, or lease of any lands lying in the State of Minnesota, and of any contract, letter
of attorney, or any other writing under seal or not to be used or recorded therein, administer oaths and affirmations and take
and certify depositions to be used in the said State of Minnesota, pursuant to an Act of the Legislature thereof, approved
July 22, 1858, entitled "An Act relating to the powers and duties of Commissioners appointed to take the acknowledgement
of deeds and other instruments in writing, to be used in this State," do solemnly swear
that I will well and faithfully execute and perform all the duties of such commissioner under and by virtue of the laws of the
said State of Minnesota; and further, that the following is a true impression of my seal of office, with my official signature as
such Commissioner.

Subscribed and Sworn to before me, this
third day of September
A.D. 1866



John M. Sean Clark
U. S. District Court

Ruben Tyler

Official Signature.

Ruben Tyler
Comm. of Deeds for Minnesota



(OATH OF ALLEGIANCE.)

State of Ohio }
County of Hamilton } ss.
I, Reuben Tyler
residing in the City of Cincinnati in the State of
Ohio do solemnly swear that I have never,
voluntarily, borne arms against the United States since I have been a citizen thereof; that I have, voluntarily, given no aid,
countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor
accepted, nor attempted to exercise the functions of any office whatever under any authority or pretended authority, in
hostility to the United States; that I have not yielded voluntary support to any pretended Government, authority, power,
or constitution within the United States, hostile or inimical thereto, and that I will support, protect and defend the
Constitution and Government of the United States against all enemies, whether domestic or foreign, and that I will bear
true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any State, Convention or Legislature to
the contrary, notwithstanding; AND FURTHER, that I do this with a full determination, pledge and purpose, without any
mental reservation or evasion whatever; AND FURTHER, that I will truly and faithfully perform all the duties which
may be required of me by law. So help me God.

Subscribed and Sworn to before me, this
third day of September
A.D. 1866



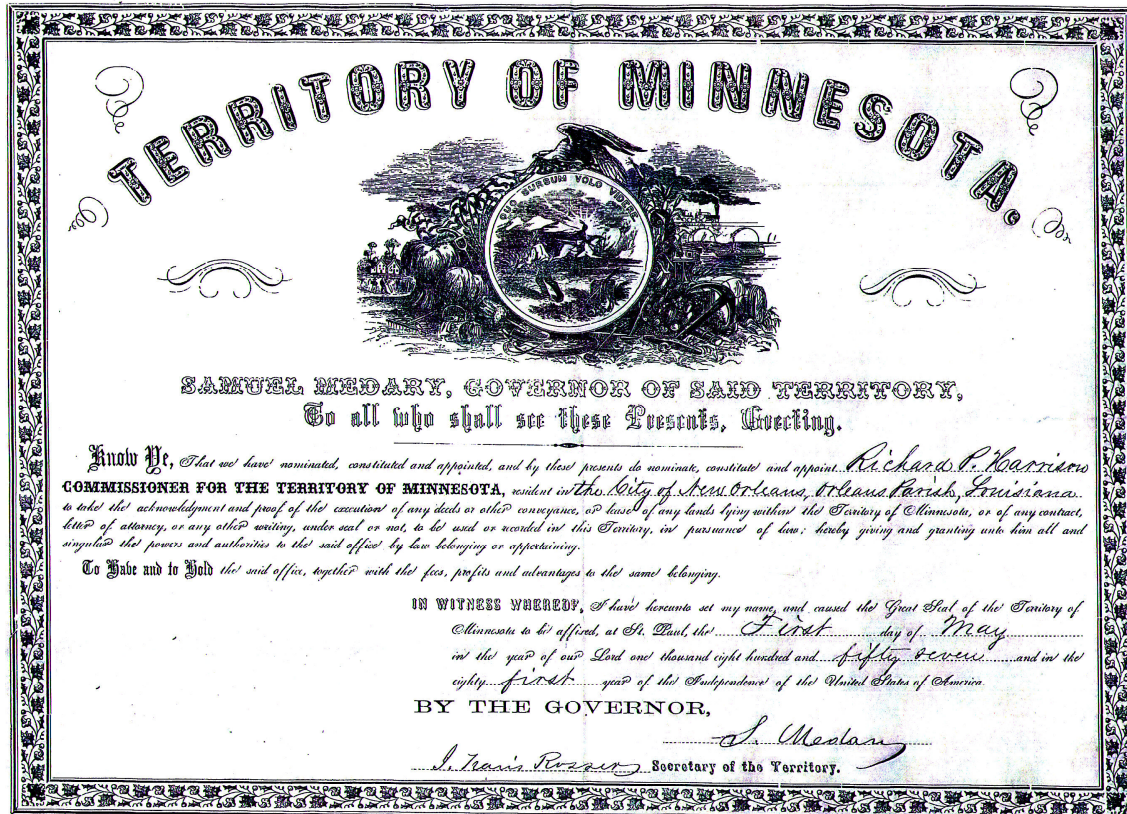
John W. Lean Clerk
U. S. District Court
South Dist. of Ohio

Reuben Tyler

NOTE.—The foregoing oaths or affirmations must be subscribed and taken before a Judge or a Clerk of one of the Courts of Record in your State.

5. Certificate of Appointment.

Each appointee was issued an official certificate of appointment. This is a reduced copy of the certificate issued to Richard Harrison of New Orleans by Governor Samuel Medary on May 1, 1857:



[KNOW YE, That we have nominated, constituted and appointed, and by these presents to nominate, constitute and appoint Richard P. Harrison COMMISSIONER FOR THE TERRITORY OF MINNESOTA, resident of the City of New Orleans, Orleans Parish, Louisiana, to take the acknowledgment and proof of the execution of any deeds or other conveyance, or lease of any lands lying within the Territory of Minnesota, or of any contract, letter of attorney, or any other writing, under seal or not, to be used or accorded in this Territory, in pursuance of law; hereby giving and granting him all and singular the powers and authorities to the said office by law belonging or appertaining.

[TO HAVE AND TO HOLD the office, together with the fees, profits and advantages to the same belonging.]

6. Commissioners of Deeds in *Boston Directory for the Year 1857*.

Many commissioners of one state or territory were also commissioners of other states. *The Boston Directory for the Year 1857* lists deeds commissioners for thirty states and two territories (Minnesota and Washington) who resided in that city. Seven deeds commissioners for Minnesota Territory are named and two — Charles B. F. Adams and George T. Angell — were commissioners for twenty-nine other states. George T. Otis also advertised his office in Minnesota territorial newspapers. There were 636 deeds commissioners listed that year, and the lists take up one and half pages of *The Directory*. The sheer number of deeds commissioners in one city, albeit a commercial hub, proves there was a demand for their services.

COMMISSIONERS

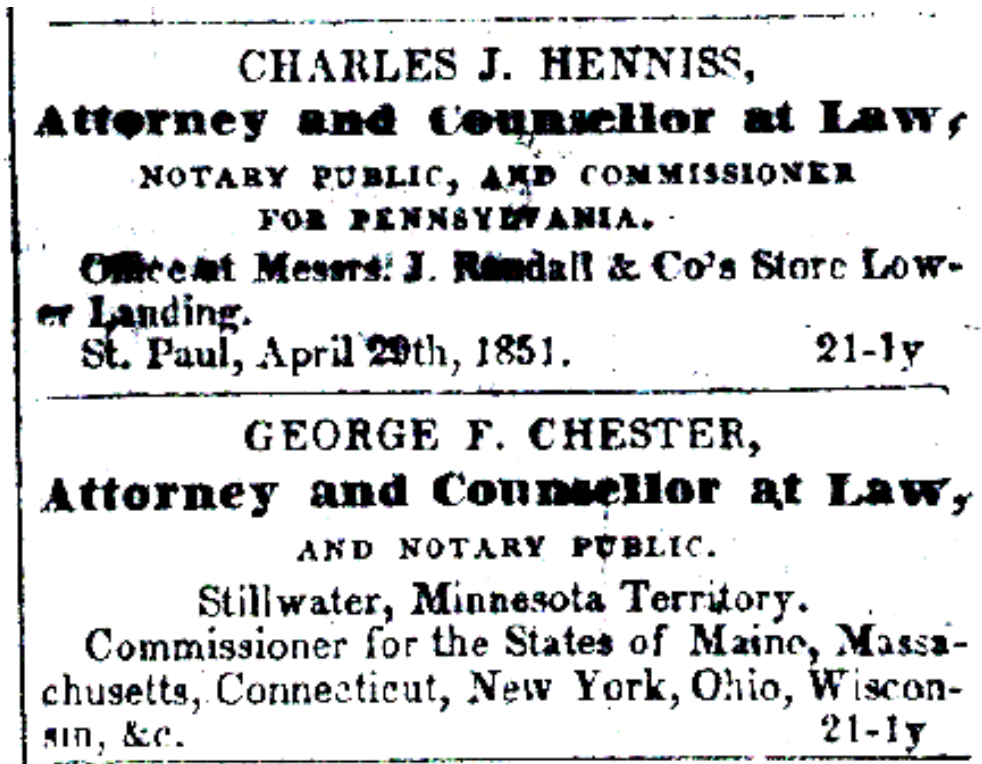
Resident in Boston, appointed by the authorities of other States to take the acknowledgment and proof of all Deeds and other Instruments, under seal, to be used or recorded in said States; and also to administer oaths and take depositions, to be read in their respective Courts.

ALABAMA.		
Adams, Chas. B. F.	Buck, Edward	Healy, John P.
Angell, George T.	Buckingham, J. H.	Jackson, Ab'ham, Jr.
Austin, Ivers J.	Currier, Benj. H.	Richardson, Geo. F.
Browne, Causten	Giles, Alfred E.	
ARKANSAS.		
Adams, Chas. B. F.	Angell, George T.	Currier, Benj. H.
CALIFORNIA.		
Adams, Chas. B. F.	Draper, J. W.	Randall, Otis G.
Angell, George T.	Dyer, M., Jr.	Rice, Geo. E.
Austin, Ivers J.	Gray, Horace, Jr.	Sharp, Daniel
Bates, Samuel W.	Hale, George S.	Sater, Hales W.
Burbank, Robert I.	Hastings, Geo. R.	Thacher, Geo. M.
Currier, Benj. H.		
CONNECTICUT.		
Adams, Chas. B. F.	Demond, Charles	Nutter Charles C.
Angell, George T.	Dexter, Thomas A.	Plimpton, Elias F.
Austin, Ivers J.	Dyer, Micah, Jr.	Putnam, John P.
Bolles, John A.	Ely, Alfred B.	Randall, Otis G.
Browne, George M.	Hale, George S.	Rice, Geo. E.
Buck, Edward	Hastings, George R.	Richardson, Geo. F.
Buckingham, J. H.	Hobbs, Wm. Jr.	Sharp, Daniel
Burbank, Robert I.	Holmes, John S.	Sater, Hales W.
Cheever, Tracy P.	Mayo, Charles	Smith, Wm. H. L.
Currier, Benj. H.	Nickerson, Joseph	Thornton, J. W.
DELAWARE.		
Adams, Chas. B. F.	Currier, Benj. H.	Richardson, Geo. F.
Angell, George T.	Randall, Otis G.	
FLORIDA.		
Adams, Chas. B. F.	Buckingham, J. H.	Randall, Otis G.
Angell, George T.	Currier, Benj. H.	Rice, Geo. E.
Austin, Ivers J.	Dexter, Thomas A.	Saath, Wm. H. L.
Browne, Causten	Parker, Francis E.	
GEORGIA.		
Adams, Chas. B. F.	Buck, Edward	Randall, Otis G.
Angell, Geo. T.	Currier, Benj. H.	Rice, Geo. E.
Bigelow, Prescott	Dexter, Thos. A.	Richardson Geo. F.
ILLINOIS.		
Adams, C. B. F.	Currier, Benj. H.	Mayo, Charles
Angell, Geo. T.	Ely, Alfred B.	Kingsbury, G. H.
Austin, Ivers J.	Hobbs, Wm., Jr.	Randall, Otis G.
Brooks, Francis A.	Jackson, A., Jr.	Richardson, Geo. F.
Buckingham, J. H.	Lynde, Alonso V.	
INDIANA.		
Adams, Chas. B. F.	Buckingham, J. H.	Randall, Otis G.
Angell, George T.	Currier, Benj. H.	Rice, Geo. E.
Austin, Ivers J.	Ely, Alfred B.	Richardson, G. F.
Bates, Samuel W.	Harris, George S.	Thacher Geo. M.
Bolles, John A.	Hobbs, Wm., Jr.	Thornton, J. W.
Browne, Causten	Morse, Nathan	Webb, Seth, Jr.
Buck, Edward		
IOWA.		
Adams, Chas. B. F.	Burbank, Robt. I.	Pond, Benjamin
Angell, George T.	Chase, James M.	Randall, Otis G.
Austin, Ivers J.	Currier, Benj. H.	Rice, Geo. E.
Sail, Joshua D.	Dickinson, Fred. W.	Richardson Geo. F.
Bates, Samuel W.	Eastman, J.	Sater, Hales W.
Beard, Ithamar W.	Harris, George S.	Tilton, Warren
Browne, Causten	Hobbs, Wm., Jr.	Webb, Seth, Jr.
Buckingham, J. H.	Mayo, Charles	Woodman, Horatio
KENTUCKY.		
Adams, C. B. F.	Currier, Benj. H.	Randall Otis G.
Angell, George T.	Ely, Alfred B.	Richardson, Geo. F.
Austin, Ivers J.	Harlow, Thomas S.	Sharp, Daniel
Buck, Edward	Pond, Benjamin	Thornton, J. W.
Buckingham, J. H.		
LOUISIANA.		
Adams, Chas. B. F.	Ely, Alfred B.	Randall, Otis G.
Andrews, John L.	Hilliard, William	Rice, George E.
Angell, Geo. T.	Minns, Geo. W.	Richardson, Geo. F.
Betton, George E.	Minot, George	Sanger, Geo. P.
Buck, Edward	Morse, Nathan	Smith, Wm. H. L.
Buckingham, J. H.	Nutter, Charles O.	Thornton, J. W.
Currier, Benj. H.	Palfrey, Francis W.	Webb, Seth, Jr.
Dehon, William	Prince, Fred. O.	
MAINE.		
Abbott, James A.	Betton, Nislan O.	Chandler, Chas. P.
Adams, Chas. B. F.	Bigelow, John P.	Chandler, Peleg W.
Allen, Augustus O.	Blake, Edward	Clarke, Samuel G.
Allen, Chas. E.	Bolles, John A.	Cooke, Benj. F.
Allen, Fred. H.	Brooks, Francis A.	Currier, Benj. H.
Angell, George T.	Brown, Wm. Locke	Dana, Edward A.
Atkinson, Jacob	Buck, Edward	Demond, Charles
Austin, Ivers J.	Buckingham, J. H.	Dexter, Thomas A.
Benfield, Everett C.	Burbank, Robert I.	Dodge, John C.
Bates, Sam'l W.	Burt, Wm. L.	Dudley, Edridge G.
Beard, Ithamar W.	Butler, Benj.	Ellis, Charles M.

ELY, Alfred B.			OHIO.		
Emerson, John W.	Knapp, Wm.	Rollins, James W.	Adams, Chas. B. F.	Demond, Charles	Palfrey, Francis W.
Fiske, Augustus H.	Lynde, Alonzo V.	Russ, Augustus	Angell, George T.	Egan, James	Parker, Francis E.
Fuller, H. Weld	Malvo, Charles	Singer, Geo. P.	Austin, Ivers J.	Ely, Alfred B.	Parker, Henry M.
Giles, Alfred E.	Moore, Edward N.	Smith, Wm. H. L.	Ball, Joshua D.	Gray, Horace, Jr.	Pond, Benjamin
Gray, Ebenezer	Nichols, John P.	Stevens, Oliver	Bates, Sam'l W.	Hayward, Charles	Randall, Otis G.
Hale, George S.	Nickerson, Joseph	Suter, Hales W.	Holles, John A.	Hobbs, Wm., Jr.	Ranner, Ambrose A.
Harlow, Thomas S.	Nutter, Chas. C.	Thacher, Geo. M.	Brown, Causten	Hodges, Edward F.	Riv, George E.
Hart, S. Rowland	Nutter, Thos. F.	Thorn-like, S. L.	Buck, Edward	Johnson, Henry A.	Richardson, Geo. F.
Hayes, Francis B.	Otis, Edmund B.	Thornton, J. W.	Buckingham, J. H.	Lynde, Alonzo V.	Sharp, Daniel
Haynes, Henry W.	Parmenter, Wm. E.	Walker, Wm. L.	Burbank, Robert I.	Mason, David H.	Thornton, J. W.
Hodges, Edward F.	Phillips, Thos. W.	Washburn, Alex. C.	Choate, Fred. W.	Muzz-v. Henry W.	Webb, Seth, Jr.
Jackson, Ab'h'm Jr.	Pike, Charles E.	Washburn, Fred. L.	Churchill, Jos. M.	Otis, Edmund B.	Wheelock, Peter S.
Jewell, Harvey	Pond, Benjamin	Watts, Francis O.	Currier, Benj. H.		
Joy, Albion K. P.	Randall, Otis G.	Wheelock, Peter S.			
Judd, C. P.	Rice, George E.	Willard, Paul			
Kettelle, Jacob Q.	Richardson, Geo. F.	Williamson, W. C.			
Kingsbury, G. H.					
MARYLAND.			OREGON.		
Adams, Chas. B. F.	Currier, Benj. H.	Hobbs, Wm., Jr.	Adams, Chas. B. F.	Angell, Geo. T.	
Ely, Alfred B.	Emery, Thomas C.	Randall, Otis G.			
Austin, Ivers J.	Fiske, Augustus H.	Washburn, Fred. L.			
Ball, Joshua D.	Griggs, George				
Buckingham, J. H.					
MICHIGAN.			PENNSYLVANIA.		
Adams, Chas. B. F.	Diekinson, Fred. W.	Kingsbury, Geo. H.	Adams, Chas. B. F.	Currier, Benj. H.	Prince, Frederic O.
Angell, George T.	Ely, Alfred B.	Morton, Marcus, Jr.	Angell, George T.	Dana, Chas. F.	Randall, Otis G.
Austin, Ivers J.	Hobbs, Wm., Jr.	Randall, Otis G.	Austin, Ivers J.	Dexter, Thomas A.	Rice, Geo. E.
Brooks, Francis A.	Hubbard, Nath'l D.	Richardson, Geo. F.	Ball, Joshua D.	Demond, Charles	Richardson, Geo. F.
Buck, Edward	Johnson, Henry A.	Sharp, Daniel	Bolles, John A.	Ely, Alfred B.	Rollins, James W.
Buckingham, J. H.	Kettelle, Jacob Q.	Suter, Hales W.	Buck, Edward	Hodges, Edward F.	Story, Isaac
Currier, Benj. H.			Buckingham, J. H.	Hubbard, Nath'l D.	Story, Wm. W.
			Burbank, Robert I.	Morton, Marcus, Jr.	Suter, Hales W.
			Chase, James M.	Nutter, Charles C.	Thornton, J. W.
MINNESOTA.			RHODE ISLAND.		
Adams, Chas. B. F.	Currier, B. H.	Otis, Edmund B.	Adams, Chas. B. F.	Dexter, William S.	Randall, Otis G.
Angell, George T.	Dudley, Dean	Rice, Geo. E.	Ames, Isaac	Griggs, George	Rice, George E.
Brown, Causten			Angell, George T.	Harlow, Thos. S.	Richardson, Geo. F.
			Austin, Ivers J.	Hilliard, William	Sharp, Daniel
			Bacon, C. S.	Hobbs, Wm., Jr.	Shaw, Lemuel, Jr.
			Bolles, John A.	Jackson, Ab'h'm Jr.	Suther, Hales W.
			Brown, Causten	Judson, Walter H.	Washburn, Alex. C.
			Buck, Edward	Keith, James M.	Webb, Seth, Jr.
			Buckingham, J. H.	Mayo, Charles	Wheelock, Peter S.
			Currier, Benj. H.	Perkins, David	
MISSISSIPPI.			SOUTH CAROLINA.		
Adams, Chas. B. F.	Jackson, Ab'h'm Jr.	Richardson, Geo. F.	Adams, Chas. B. F.	Egan, James	Hilliard, William
Angell, Geo. T.	Randall, Otis G.	Thacher, Geo. M.	Angell, Geo. T.	Ely, Alfred B.	Randall, Otis G.
Austin, Ivers J.	Rice, Geo. E.	Thornton, J. W.	Bates, Samuel W.	Gray, Horace, Jr.	Rice, George E.
Currier, Benj. H.			Currier, Benj. H.	Griggs, George	Richardson, Geo. F.
			Dexter, Thomas A.		
MISSOURI.			TENNESSEE.		
Adams, Chas. B. F.	Giles, Alfred E.	Rice, Geo. E.	Adams, Chas. B. F.	Brown, Causten	Randall, Otis G.
Angell, George T.	Jackson, Ab'h'm Jr.	Richardson, Geo. F.	Angell, George T.	Buckingham, J. H.	Richardson, Geo. F.
Austin, Ivers J.	Johnson, Henry A.	Sharp, Daniel	Austin, Ivers J.	Currier, Benj. H.	Thacher, Geo. M.
Bolles, John A.	Mayo, Charles	Woodman, Horatio	Bigelow, Geo. T.	Otis, Edmund B.	Thornton, J. W.
Buckingham, J. H.	Otis, Edmund B.				
Currier, Benj. H.	Randall, Otis G.				
NEW HAMPSHIRE.			TEXAS.		
Abbott, James A.	Dow, Nathan T.	Mayo, Charles	Adams, Chas. B. F.	Buckingham, J. H.	Hodges, Edward F.
Adams, Chas. B. F.	Dudley, Elbridge G.	Mumsey, Henry W.	Angell, Geo. T.	Cooke, Benj. F.	Randall, Otis G.
Albee, Sumner	Dunklee, Mark F.	Nash, Stephen G.	Aspinwall, Wm.	Currier, Benj. H.	Richardson, Geo. F.
Angell, George T.	Dyer, Micah, Jr.	Nickerson, Joseph	Brinley, Francis	Hale, Geo. S.	
Austin, Ivers J.	Eastman, Josephus	Nutter, Charles C.			
Ayres, Phineas	Ely, Alfred B.	Parker, Henry M.			
Barnes, Isaac O.	Emerson, John W.	Peirce, Roger N.			
Bates, Samuel W.	Fiske, Augustus H.	Pike, Charles E.			
Beard, Ithamar W.	Gilchrist, Dan'l S.	Plummer, William			
Bigelow, John P.	Hale, George S.	Pond, Benjamin			
Bolles, John A.	Hayes, Francis B.	Price, E. S. Wall			
Buckingham, J. H.	Haynes, Henry W.	Randall, Otis G.			
Burbank, Robert I.	Hazleton, Horace L.	Richardson, Geo. F.			
Butler, Benjamin	Hawley, John P.	Sharp, Daniel			
Butters, William	Hobbs, Wm., Jr.	Thacher, George M.			
Chase, James M.	Hubbard, Nath'l D.	Thornton, J. W.			
Churchill, Jos. M.	Hutchins, Horace G.	Tuttle, Charles W.			
Clarke, Sam'l G.	Jewell, Harvey	Whewler, A. P.			
Currier, Benj. H.	Joy, Albion K. P.				
Dan, Edward A.	Lynde, Alonzo V.				
Dexter, Thomas A.	Mason, David H.				
NEW JERSEY.			UTAH.		
Adams, Chas. B. F.	Bolles, John A.	Phillips, George W.	Adams, Chas. B. F.	Angell, George T.	
Angell, Geo. T.	Currier, Benj. H.	Randall, Otis G.			
NEW MEXICO.			VERMONT.		
Adams, Chas. B. F.	Angell, Geo. T.	Rice, George E.	Adams, Chas. B. F.	Griggs, George	Ranner, Ambrose A.
			Angell, Geo. T.	Hale, George S.	Rice, George E.
			Albee, Sumner	Haves, Francis B.	Richardson, Geo. F.
			Austin, Ivers J.	Hobbs, Wm., Jr.	Richardson, Nath'l
			Bates, Samuel W.	Hodges, Edward F.	Smith, Chauncey
			Bigelow, John P.	Hubbard, Josiah W.	Smith, Wm. H. L.
			Bolles, John A.	Hutchins, H. C.	Suter, Hales W.
			Buckingham, J. H.	Jewell, Harvey	Thornton, J. W.
			Burbank, Robert I.	Keith, James M.	Wheelock, Peter S.
			Burke, Albert G.	Mason, Lyman	Wheeler, Thos. L.
			Dana, Charles F.	Pond, Benjamin	Wellington, Hiram
			Ely, Alfred B.	Randall, Otis G.	Webb, Seth, Jr.
					Willard, Paul
NEW YORK.			VIRGINIA.		
Adams, Chas. B. F.	Currier, B. H.	Palfrey, Francis W.	Adams, Chas. B. F.	Currier, Benj. H.	Randall, Otis G.
Angell, George T.	Demond, Charles	Pearson, Eliphalet	Angell, George T.	Hale, George S.	Rice, George E.
Avery, Edward	Frauen, Asa	Randall, Otis G.	Austin, Ivers J.	Hobbs, Wm., Jr.	Richardson, Geo. F.
Bolles, John A.	Hale, Geo. S.	Smith, Wm. H. L.	Bolles, John A.	Jackson, Ab'h'm Jr.	Thornton, J. W.
Buckingham, J. H.	Lothrop, T. K.	Watts, Francis O.	Buckingham, J. H.	Otis, Edmund B.	Tilton, Warren
Churchill, Jos. M.	Nutter, Chas. C.		Churchill, Jos. M.	Pond, Benjamin	
NORTH CAROLINA.			WASHINGTON TERRITORY.		
Adams, Chas. B. F.	Buckingham, J. H.	Rice, Geo. E.	Rice, George E.	Stevens, Oliver.	
Angell, George T.	Currier, Benj. H.	Richardson, Geo. F.			
Austin, Ivers J.	Randall, Otis G.	Thornton, J. W.			
WISCONSIN.			WISCONSIN.		
Adams, Chas. B. F.	Codman, Robert	Pilgrimage, Silas F.	Adams, Chas. B. F.	Codman, Robert	Pilgrimage, Silas F.
Angell, George T.	Currier, Benj. H.	Pond, Benj.	Angell, George T.	Currier, Benj. H.	Pond, Benj.
Austin, Ivers J.	Daworth, John C.	Randall, Otis G.	Austin, Ivers J.	Daworth, John C.	Randall, Otis G.
Ball, Joshua D.	Harris, George S.	Rice, George E.	Ball, Joshua D.	Harris, George S.	Rice, George E.
Brooks, Francis A.	Hubbard, Nath'l D.	Richardson, Geo. F.	Brooks, Francis A.	Hubbard, Nath'l D.	Richardson, Geo. F.
Brown, Causten	Johnson, Henry A.	Sharp, Daniel	Brown, Causten	Johnson, Henry A.	Sharp, Daniel
Burbank, Robert I.	Lynde, A. V.	Washburn, Alex. C.	Burbank, Robert I.	Lynde, A. V.	Washburn, Alex. C.
Buckingham, J. H.	Mayo, Charles	Webb, Seth, Jr.	Buckingham, J. H.	Mayo, Charles	Webb, Seth, Jr.
Butler, Benj.	Parker, Francis E.	Woodman, Horatio	Butler, Benj.	Parker, Francis E.	Woodman, Horatio

7. Business cards of Minnesota lawyers who were commissioners of deeds for other states.

Minnesota lawyers became commissioners of deeds of other states. In their business cards published in territorial newspapers, they listed their commissionerships: Here are sixteen examples:³⁶



³⁶ Henniss & Chester : Minnesota Democrat, May 13, 1851, at 3.
Phillips: Minnesota Democrat, July 29, 1851, at 1.
Murray: Minnesota Democrat, July 29, 1851, at 1.
Dodd: Saint Peter Courier, June 21, 1855, at 3.
Otis: The Daily Minnesotian, June 28, 1856, at 1.
Whitlock: Saint Peter Courier, March 4, 1857, at 4.
Simons: Saint Peter Courier, March 4, 1857, at 4.
McCarthy: Saint Peter Courier, August 14, 1857, at 4.
Hall: Daily Minnesotian (St. Paul), November 23, 1857, at 5.
Tourtellotte: Mankato Independent, April 10, 1858, at 1.
Scofield: St. Cloud Visitor, May 27, 1858, at 3.
Everest: Mower County Mirror (Austin), November 4, 1858, at 1.
Keys, Winona Argus, May 14, 1857, at 3.
Willard, Mankato Weekly Independent, April 10, 1858, at 4.
Bruner, Mankato Weekly Independent, April 10, 1858, at 1.

W. D. PHILLIPS.

ATTORNEY at Law, Notary Public, Land Agent and Commissioner for taking depositions and the acknowledgment of deeds for the states of Iowa, Illinois, Indiana, Missouri and Wisconsin. Persons in the States who have obtained Land Warrants under the act of Congress approved September 28, 1851, can have the same located in Minnesota, by forwarding a power of attorney and the warrant to *W. D. Phillips*.
Office near the American Hotel.
St. Paul, March 4, 1851.—13tf.

WM. P. MURRAY,

Attorney at Law and Notary Public.

Also, Commissioner to administer oaths, take depositions, and the proof and acknowledgement of deeds, or other instruments to be used in the States of Ohio, Indiana and Kentucky.

Office on Third Street, St. Paul.
Dec. 10, 1850. tf.

WILLIAM B. DODD,

Notary Public and Commissioner of Deeds,
For Nicollet county. Lands Located, Declaratory statements made and filed; information given in regard to pre-empting and entering lands; claims selected and information given of localities to persons wishing to settle. For all business not satisfactorily done, no charge made.
Feb 15-tf

EDMUND B. OTIS,

Attorney and Counsellor at Law,

No. 1, Devonshire street, Boston, Mass.

Commissioner for Maine, Virginia, Ohio, Tennessee, Missouri and Minnesota.

April 15, 1854 1v31

F. J. WHITLOCK,

Councillor at Law, Notary Public, and Commissioner of Deeds, Belle Plaine, M. T.

Civil Engineering and Surveying in all its branches. Claims surveyed and located, and any information given in regard to Pre-emption and Claim laws by the undersigned.

Dec. 18-19

F. J. WHITLOCK,
E. P. BERRY.

W. W. SIMONS.

Attorney and Councillor at Law,
CONVEYANCER, AND
GENERAL LAND AGENT.

St. Peter, Min. Ter.

NOTARY PUBLIC,

And Commissioner for the States of
New Jersey, Pennsylvania & Indiana.

Agent for the

CHARTER OAK LIFE INSURANCE CO.,
Of Hartford, Conn. Charter Perpetual.

CAPITAL, \$200,000.

Business entrusted to his care will be promptly attended to. Office at the Hotel no 44 st

JOHN McCARTHY,

Attorney and Councillor at Law

Commissioner for California, New York, Pennsylvania, Iowa, Illinois, Wisconsin. Office in

Oct. 7, 1856. TRAVERSE DES SIOUX.

WM. SPRIGG HALL,

Attorney and Counsellor at Law, and Commissioner for Maryland.

OFFICE Corner Third & Wabashaw Streets, opposite
the Post Office, St. Paul. Feb 28

J. E. TOURTELLOTTE,
ATTORNEY & COUNSELOR AT LAW,
Notary Public and Commissioner of Deeds.
Office nearly opposite the Mankato House,
Mankato, Minnesota. 1-26

A. SCOFIELD,
JUSTICE OF THE PEACE
AND
Commissioner of Deeds for Wisconsin.

AARON S. EVEREST,
Counselor at Law & Solicitor in Chancery,
AND NOTARY PUBLIC,
Austin, Mower County, Minnesota.
Commissioner of Deeds for Iowa, New York
and Wisconsin.
Particular attention given to Collections and
Conveyancing. Land Warrants located, Land
bought and sold, Titles examined, and Taxes
paid for Non-Residents.
October 28th, 1858.

JOHN KEYS,
Attorney and Counsellor at Law,
Land and Collecting Agent,
NOTARY PUBLIC,
and Commissioner of Deeds of the State of Wis-
consin.
Office at his residence. 6ml. WINONA, M. T.

JOHN A. WILLARD,
Attorney and
COUNSELLOR AT LAW,
NOTARY PUBLIC,

AND DEALER IN

Real Estate and Land Warrants.

COMMISSIONER of deeds for New York,
Pennsylvania, Massachusetts, Connecticut,
Iowa and Wisconsin,
MANKATO MINNESOTA.

Particular attention paid to collecting debts,
conveyancing, loaning, and investing money,
land Pre-emption business, &c. Has at all
times on hand, for sale, a large amount of Farm-
ing and Timbered Lands in this section of the
Territory, and Town Property in most of the
principal Towns in the Territory.

All letters of inquiry, or business entrusted
to his care will receive prompt and faithful at-
tention.

June 6, 1857-

1-1 ly

E. D. BRUNER,
NOTARY PUBLIC,
AND
Commissioner of Deeds for the States
OF
Ohio, Virginia, Maryland, Delaware and Illinois
Office on Front Street,
MANKATO MINNESOTA

Commissioners of deeds for other states who resided in Minnesota were listed in local business directories. Only two are named in *Campbell's St. Paul City Directory for 1875*:

BOOKS, STATIONERY, PICTURES, &c.,
At DUDLEY'S BOOK STORE, 15 E. Third.

COM

444

DRE

Morrison, Schutte & Grant, 57 Jackson.
 Newcomb Charles B. & Co. 52 E. Third.
 Raymond C. L. & Co. 121 E. Seventh.
VAN SLYKE W. A. & CO.
 40 Sibley.

Commissioners of Deeds.

Lewis Joseph, (Pennsylvania and New York.) 58 W. Third.
PARSONS W. J.
 (for New York,) 37 Wabasha.

Confectionery and Fruit.

Berglund J. S. Mrs. 194 E. Seventh.
 Berry & Booth, 15 Wabasha.
 Burnes J. E. 90 Wabasha.
 Connolly Thomson, 191 E. Seventh.
 Connot Alfred, 20 W. Third.
 Cooney Patrick, 141 St. Peter.
 Corr Catharine Mrs. 49 E. Fourth.
 Defranchy W. 6 Mississippi.
 Doyle John Mrs. 49 W. Sixth.
 Egbers J. B. 22 W. Third.
 Engelbracht T. 40 Mississippi.
 Erren Hermann, 61 St. Peter.
 Gembe F. M. 4 Mississippi.
 George Charles, 33½ Jackson.
 Gould W. Mrs. 120 Wabasha.
 Hachmann O. 164 E. Seventh.
 Heck Jacob, 57 E. Seventh.
 Kelly P. 142 St. Peter.
 Lauberg P. A. 135½ E. Seventh.
 McDonald James, 114 W. Third.
 Mosser J. F. Mrs. 46½ Jackson.
 Peck J. S. Mrs. 88 Robert.
 Penfield C. D. 42 Jackson.
 Travis H. F. 173 Broadway.
 Tripp R. S. 39 Jackson.
 Wehmeier Fred. 55 Bradley.
 Whitcomb Frank, 64 E. Seventh.
 Wickersheim M. Mrs. 188 E. Seventh.

Confectionery Manufacturers.

Little & Berrisfords, 88 E. Fifth.
 McManus T. S. & Co. 21 E. Third.
 Miner & McCarthy, 38 Sibley.

Consuls.

(See City and County Record.)

Contractors.

(See also Carpenters and Builders.)

Leonard & Seeger, 145 Jackson.
SHEIRE M. & BRO.
 146 E. Fifth bet. Sibley and Wabasha.

Sherwood George W. 52 Minnesota.
 Summers John, Fifth bet. Exchange and Fort.
 Wolke Bros. College av. cor. Tenth.

Contractors, Railroad.

DeGraft & Co. 56 E. Third.
 Merriam & Wilder, room 1, 100 Jackson.

Coopers.

Brings Joseph, 209 Fort.
 Gruber Nicholas, 109 Eagle.
 Schau Charles, 90 Oak.
 Young H. C. 58 E. Fourth.

Coppersmiths.

Bonn, H. 87 E. Sixth.
 Northwestern Copper and Brass Works, M. Walter, propr. 89 Jackson.
 Sturm Luke, 46 Robert.

Cracker Manufacturers.

Berrisford, E. F. 65 E. Fifth.

Crockery, Wholesale & Retail.

CRAIG & LARKIN,
 66 E. Third.
 Pollock, Donaldson & Ogden, 36 E. Third.

Cutlery and Grinders.

Franke C. 18 Wabasha.

Dentists.

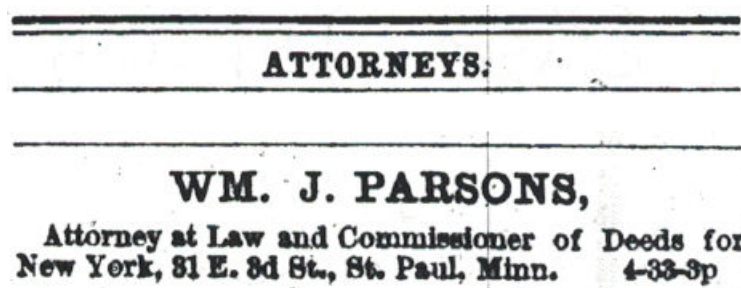
Beecher S. A. 8 E. Third.
 Bryant J. H. Seventh cor. Jackson.
 De Montreville C. 88 W. Third.
 Konantz C. F. 96 Wabasha.
 Lawton George O. Ingersoll Bldg.
 Lyon L. W. 31 W. Third.
 Merritt Charles E. Moore's Block, Seven Corners.
 Patterson M. B. 7 W. Third.
 Patterson R. H. 116½ Jackson.
 Price D. C. 6 W. Third.
 Simonton T. D. 18 Wabasha.
 Upham A. T. 127 E. Seventh.

Dress Makers.

(See also Milliners.)

Andrews M. A. & Fanny, 127 E. Seventh.
 Bolder Lena Mrs. 280 E. Seventh.
 Brimley E. Mrs. 98 Jackson.
 Buell Henry Mrs. 63 Robert.
 Cady E. M. Mrs. 221 Robert.
 Dupuis L. Miss, Sixth nr. Minnesota.

William J. Parsons, on *Campbell's St. Paul City Directory*, also placed his business card with a notice of his New York Commissionership in the *St. Paul Daily Globe*, January 22, 1878, at 4:



8. Request for re-appointment when commissioner relocates.

Joseph B. Braman, a Minnesota commissioner in Boston, moved to New York in 1883 and requested Governor Hubbard re-appoint him a commissioner in that state. He enclosed a recommendation from New York Governor Grover Cleveland. The annual report of the Secretary of State of Minnesota for the fiscal year ending July 31, 1885, lists his appointment on April 24, 1883.

115 Broadway (Room 17)

New York, March 31, 1883.

To His Excellency,

Lucius J. Hubbard,

Governor of State of Minnesota.

Sir:

Having removed to New York City, I respectfully tender my resignation of my office and commission as Commissioner of Deeds of the State of Minnesota, resident in the City of Boston, Massachusetts.

I respectfully solicit of your Excellency appointment as Commissioner of Deeds of the State of Minnesota, resident in the City, County and State of New York.

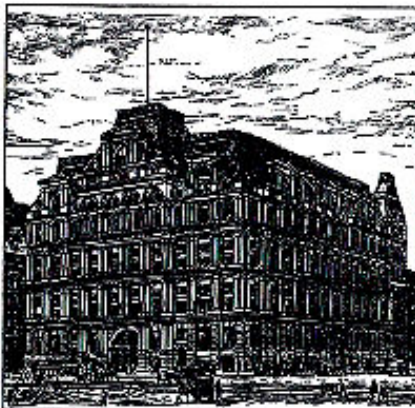
I have been admitted to practice in the Supreme Courts of the United States, and of the States of New York and Massachusetts.

I enclose herewith a recommendation from His Excellency, Grover Cleveland, Governor of the State of New York, and the usual fee of five dollars.

Hoping your Excellency will be pleased

To honor me with the appointment, I am,
 Your Obedient Servant,
 Joseph B. Braman.

Braman was appointed to another term as a Commissioner of Deeds of Minnesota on April 14, 1886 and again on September 14, 1888, by Governor McGill. By this time he was a "commissioner of every state." He was also a notary. It was not uncommon for a commissioner to also be a notary—and a lawyer besides. This ad is substantially reduced:



EQUITABLE BUILDING, 120 BROADWAY, N. Y.

Uptown Branch and Residence,
 1270 B'WAY, opp. 33d St. & L. Sta.,
 (Day and Night—Never Closed).
 Telephone Call "39th St., 605."

Duplicate Leaf, Etc., at Each Office.

JOSEPH B. BRAMAN,
 ATTORNEY, PASSPORT AGENT, NOTARY PUBLIC AND

Commissioner of Deeds for Every State, Territory, Provinces, Etc.

Ala.	Ark.	Cal.	Conn.	D.C.	Fla.	Ill.	Iowa	La.	Mass.	Mich.	Neb.	N.J.	N.C.	N.D.	Pa.	Tenn.	Vt.	W. Va.	U.S.
Ala.	Ark.	Cal.	Conn.	D.C.	Fla.	Ill.	Iowa	La.	Mass.	Mich.	Neb.	N.J.	N.C.	N.D.	Pa.	Tenn.	Vt.	W. Va.	U.S.
Ala.	Ark.	Cal.	Conn.	D.C.	Fla.	Ill.	Iowa	La.	Mass.	Mich.	Neb.	N.J.	N.C.	N.D.	Pa.	Tenn.	Vt.	W. Va.	U.S.

Brit. Col., Manitoba, New Brunswick, New C. W. No. West, Fort Snelling, New South Wales, Ontario, N. Y., N. W. Ind., India, Australia, &c.

A COMMISSION, SEPARATE DEED AND LEGAL BLANK DEEDS, ETC., FOR EACH.

NEW YORK CITY OFFICES.

120 BROADWAY—EQUITABLE BUILDING (Take Elevators: hours 1-5.)
 1270 BROADWAY—Opp. 33d St. L. Station (Day and Night—never closed)
 Calls answered day and night to Hotels, Clubs, Offices and Residences in or out of City.

TELEPHONE CALLS.

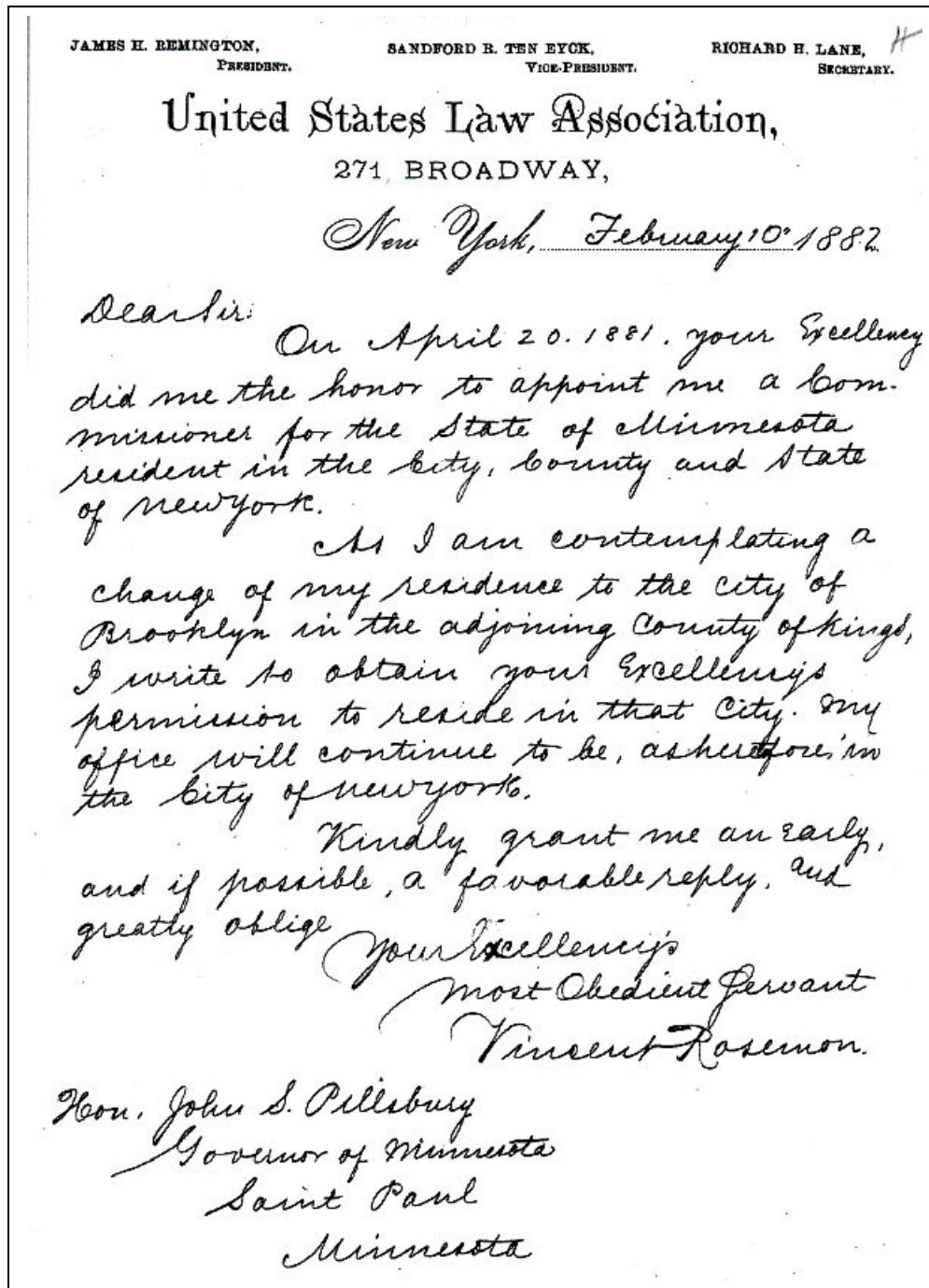
"JOHN 590"

"39th St. 605."

FOR EVERY STATE & COUNTRY!

Depositions Taken. Affidavits Taken. Corporations Formed.
 Deeds Acknowledged. Mining Blanks, &c. Titles Searched.
 Claims Proved. Passports Obtained. Collections Made.
 Wills Made. Deeds, &c. Drawn. All Law Matters

A move within the boroughs of New York City prompted this letter.



Request granted. He likely was reappointed in 1882. The annual report of the Minnesota Secretary of State for the fiscal year ending July 31, 1885, lists Vincent Rosemon, a resident in Brooklyn, serving as commissioner by an appointment dated May 2, 1884.

9. Resignation letter to the governor:

Chicago January 4th 1860.

Hon
Francis Pickens,
Secy of State
Sir:

I have the honor to tender
my resignation as Commissioner of Deeds for
your State being about to go out of the United
States. As Mr Chauncey L. Watkins, of this
City, is desirous of holding a similar appointment
I take pleasure in recommending him to
your favorable consideration: He is well
qualified in every respect to perform the
duties required.

Very Respectfully
Your obed^t Servt.
W. Magill

Notation on back of resignation

Louisville Ky Nov 6/6,
James J. Dozier appld.
for the app^t. of
Commissioner of Deeds

10. Secretary's ledger of Territorial Governor Ramsey's appointments of commissioners and notaries as of July 13, 1851.

The territorial secretary kept a ledger of gubernatorial appointments. This is a page (reduced) from the journal of Secretary Charles K. Smith listing Governor Ramsey's appointments as of July 13, 1851, of twenty-two Commissioners of Deeds, one Justice of the Peace and four Notaries Public:

Thomas W. Safford	Nov	1850	Philadelphia Co Pa	Commissioner of Deeds.
James Horne	Dec	3 rd	Harrisburg Dauphin Co Pa	"
L. D. Higgins	Nov	"	Hamilton Ohio	"
David Keaton	"	"	Middletown	"
Mark P. Taylor	"	"	Cincinnati	"
John M. McKim	Dec	6 th	Dayton	"
John R. May	"	"	Greenville	"
Thomas Moore	"	"	Rossville	"
Wm H. Smith	"	"	Oxford	"
Chas L. Walker	"	"	Camden	"
Wm Richardson	"	3	Ramsey Co Minn.	Notary Public.
William Cole	"	"	Philadelphia Pa	Commissioner of Deeds.
Thaddeus H. Wickmore	"	"	St Louis Mo	"
R. S. Elliot	"	"	"	"
Chas D. Alding	"	"	Washington D. C.	"
George H. Hickman	"	"	Baltimore Md	"
Edward D. Davies	"	"	New York City	"
W. Carey Balliett	"	"	"	"
James Fox	"	"	Harrisburg Pa	"
Asbel Green Jr	"	"	New York City	"
John Litch	"	"	Long N York	"
William M. Fulton	"	16	Bloomfield Pa	"
Isaac Stwater	"	"	Ramsey Co Minn. Ter.	Notary Public.
George L. Becker	Nov	25	"	"
J. E. Parker	Dec	3 rd	Washington Co N. H.	"
Barnjamin Hubbard	"	6 th	Easton Ohio	Commissioner of Deeds.
William H. Hubbard	Jan	3 rd 1851	St Anthony Falls	Notary Public.
Richards	Feb	1 st	Watahshaw Co	Justice of the Peace
John Snow	"	4	"	Notary Public.

Secretary's Office Saint Paul, M. T. July 13. 1851.

I hereby certify the foregoing to be a correct list of the appointments made by Gov. A. Ramsey

C. K. Smith Secretary

11. Confirmation by the Senate of the Governor's appointments of Notaries Public in 2015. By this time the number of notaries who had been appointed was so large that the confirmation process was shortened. They were confirmed en masse.

Excerpts from the Senate Journal of the 89th Legislature:

March 30, 2015

The Honorable Sandra L. Pappas
President of the Senate

Dear Senator Pappas:

The enclosed Notaries Public for 2014 are hereby respectfully submitted to the Senate for confirmation as required by Article V, Section 3 of the Minnesota Constitution.

Sincerely,
Mark Dayton, Governor

3278 JOURNAL OF THE SENATE [54TH DAY]

CONFIRMATION

Senator Latz moved that the appointment of notaries public, received April 7, 2015, be taken from the table. The motion prevailed.

Senator Latz moved that the Senate do now consent to and confirm the appointments of the notaries public.

The motion prevailed. So the appointments were confirmed.

Top: Letter from the Governor, Journal of the Senate, April 7, 2015, at 1403.

Bottom: Confirmation, Journal of the Senate, May 5, 2015, at 3278.

12.

Table 1
Commissioners of Deeds
of Minnesota in other states

Year	Number
1862	150

There were 150 commissioners in other states according to the report of the Secretary of State for the fiscal year 1862. The report listed the commissioners' names, residence, date of appointment and date his oath of office was filed. Terms were not limited at this time.

1868	182
-------------	------------

There were 182 commissioners in 29 jurisdictions (28 states and the Colorado Territory). There were 54 commissioners in New York State, 3 in Iowa and 8 in Wisconsin.

1872	129
-------------	------------

On January 1, 1872, there were 129 commissioners in 28 jurisdictions (27 states and Dakota Territory). There were 44 commissioners residing in New York State, 2 in Wisconsin. There were commissioners in former Confederate States: Arkansas, Florida, Georgia, Louisiana, Mississippi and South Carolina

1874	129
-------------	------------

On January 1, 1874, there were 129 commissioners holding two year terms in 25 jurisdictions (24 states and Dakota Territory). There were 48 commissioners in New York State, 3 in Wisconsin.

1875	104
-------------	------------

On January 1, 1875, there were 104 commissioners in 21 jurisdictions: 20 states and France. New York had 42 while 1 resided in Wisconsin.

1876

89

On December 1, 1876, there were 89 commissioners in 21 jurisdictions: 17 states, 1 each in the District of Columbia, the Arizona Territory, France and England. New York State had 36 commissioners, 1 each in Iowa and Wisconsin.

1878

62

On December 1, 1878, there were 62 commissioners for 16 jurisdiction: 15 states and the District of Columbia. There was 1 commissioner in Wisconsin, 24 in New York State.

1882

95

On December 1, 1882 there were 95 commissioners in 20 jurisdictions, 19 states and the District of Columbia. There were 38 commissioners residing in New York State.

1885

83

On July 31, 1885, there were 88 commissioners in 20 jurisdictions: 17 states, 1 each in the District of Columbia, Sidney, Australia and London, England. New York State had 32 Minnesota commissioners, Wisconsin 1.

1886

74

On July 31, 1886, there were 74 commissioners in 20 jurisdictions: 17 states, the District of Columbia (2), Australia (1), and England(1). There were 22 commissioners residing in New York State.

1888

71

On August 1, 1888, there were 71 Commissioners, each having a 3 year term, residing in 17 jurisdictions: 14 states, the District of Columbia (3), Canada (1) and England (2).

1890

83

On August 1, 1890, there were 83 commissioners in 21 jurisdictions: 15 states, the District of Columbia (3), Montreal, Canada (1), England (2) and 1 in Paris, France. There were 29 commissioners in New York State,

1892

85

On August 1, 1892, there were 85 commissioners holding 3 year terms in 19 jurisdictions: 17 states, the District of Columbia and England. There were 29 Commissioners in New York State.

1894

78

On August 1, 1894, there were 78 commissioners representing 18 jurisdictions: 15 states, the District of Columbia (3), Canada (1) and England (5).

1896

67

On August 1, 1896, there were 67 commissioners residing in Minnesota who represented 15 jurisdictions: 12 states, the District of Columbia (2), Canada (1) and England (4).

1898

59

On August 1, 1898, there were 59 commissioners for 13 jurisdictions: 10 states, the District of Columbia (4), Canada (2) and England (2).

1900

52

On August 1, 1900, there were 52 commissioners in 16 jurisdictions: 11 states, Alaska Territory (1), the District of Columbia (1), Canada (1) Cuba (1) and England (2).

1902

50

On July 31, 1902, there were 50 commissioners residing in 16 jurisdictions (14 states, Cuba (1) and London, England (2)). There were 19 commissioners in New York State.

1904

34

In August 1, 1904, there were 34 commissioners residing in 9 jurisdictions: 7 states, the District of Columbia (1) and England (2). There were 13 commissioners in New York State.

1906

32

On August 1, 1906, there were 32 commissioners in 9 jurisdictions: 7 states, the District of Columbia (2) and London, England (2). There were 11 commissioners in New York State.

1908

21

On August 1, 1908, there were 21 commissioners in 7 jurisdictions: 5 states (18), London, England (2) and 1 in Edinburgh, Scotland.

1909

19

In 1909 there were 19 commissioners, each holding a 3 year appointment, in 8 jurisdictions: 6 states, the District of Columbia and England. There were 7 commissioners in New York State, 1 in the District of Columbia and 2 in London, England.



13.

Table 2
Commissioners of Deeds for
other states residing in Minnesota

Year

Number

1881

44

In 1881 there were 31 states and the Dakota Territory represented. Frank H. Carleton was a commissioner for 27 states and Dakota Territory.

1882

37

In 1882, there were 36 states and the Dakota Territory represented. Frank H. Carlton was a commissioner for 23 states and the Dakota Territory.

1885

40

On July 31, 1885, there were 40 commissioners in 24 jurisdictions: 22 states and the Dakota and Washington Territories. Frank Carleton of Minneapolis represented 16 states and the two territories.

1886

45

In 1886 there were 24 states and 2 territories (Dakota & Washington) represented. Three men predominated: Frank H. Carleton was a commissioner for 17 states while I. N. Cardozo and Robert R. Odell were commissioners for 8.

1888

29

On August 1, 1888, there were 29 commissioners representing 18 states. Frank Carleton of Minneapolis was the commissioner of deeds for 6 states while Robert R. Odell, also of Minneapolis, represented 9 states.

1890

28

On August 1, 1890, 18 states had commissioners in Minnesota. There were 28 commissioners. Robert R. Odell represented 11 states while Frank H. Carleton represented 2.

In the 1890s the numbers of states that had commissioners in Minnesota fluctuated. The most likely explanation is that several Minnesota residents became commissioners for many states but after a few years their commissions expired and they did not renew them.

1892

21

On August 1, 1892, there were 21 commissioners representing 14 states. Frank H. Carleton represented 3 states and R. R. Odell represented 5.

1894

17

On August 1, 1894, 12 states had commissioners residing in Minnesota. Robert R. Odell was commissioner for 6 states, Frank Carleton for 2.

1896

24

On August 1, 1896, 24 states had commissioners residing in Minnesota. Of these A. F. Sweetser of Minneapolis represented 22 states (all except Florida and Georgia).

1898

47

On August 1, 1898, 26 states had commissioners residing in Minnesota. Albert F. Sweetser was commissioner for 23 states and Robert R. Odell represented 7 states.

1900

25

On August 1, 1900 there were 25 commissioners representing 14 states. Robert R. Odell of Minneapolis was a commissioner for 4 states while Albert F. Sweetser, also of Minneapolis, represented 9 states.

1902

14

On August 1, 1902, there were 14 commissioners of other states residing in Minnesota. Robert R. Odell of Minneapolis represented New York State and Pennsylvania while A. F. Sweetser represented Missouri and New York State.

1904

8

On August 1, 1904, there were 7 commissioners representing 5 jurisdictions. Robert Odell was a commissioner for 2 states, Albert F. Sweetser 1 state.

1906

7

On August 1, 1906, there were 7 commissioners residing in Minnesota who represented 5 states.

The Secretary of State did not publish a list of commissioners from other states residing in Minnesota in his biennial reports after 1906.



14. Table 3 (Example of Secretary of States Report)
Annual Report of Secretary of State for fiscal year ending August 1, 1890.

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ANNUAL REPORT

LIST OF COMMISSIONERS

*For the State of Minnesota, to take acknowledgments, etc., in Commission
August 1, 1890.*

APPOINTED FOR THREE YEARS.

NAME.	RESIDENCE.	DATE OF APPOINTMENT
RESIDENT IN CALIFORNIA.		
Craig, Lee D.....	San Francisco.....	Oct. 5, 1887
Mills, James E.....	Sacramento.....	Oct. 5, 1888
King, James L.....	San Francisco.....	Feb. 11, 1889
Merwin, A. H.....	Los Angeles.....	Nov. 16, 1889
RESIDENT IN COLORADO.		
Sahlgard, Hjalmar R.....	Denver.....	Feb. 17, 1890
RESIDENT IN CONNECTICUT.		
Taintor, Henry E.....	Hartford.....	Dec. 1, 1887
Hotchkiss, Robert L.....	New Haven.....	May 27, 1890
RESIDENT IN DISTRICT OF COLUMBIA.		
Beall, John E.....	Washington.....	June 7, 1889
Bundy, Charles S.....	Washington.....	July 28, 1889
Moffett, Wm. W.....	Washington.....	June 30, 1890
RESIDENT IN CANADA.		
Duff, John M. M.....	Montreal.....	Oct. 11, 1887
RESIDENT IN ENGLAND.		
Pennington, Thos. Robert.....	Liverpool.....	March 28, 1888
Heales, Alfred.....	London.....	May 28, 1890
RESIDENT IN FRANCE.		
Valois, Arthur E.....	Paris.....	Aug. 21, 1888
RESIDENT IN ILLINOIS.		
Crandon, Frank P.....	Chicago.....	Sept. 10, 1888
Hoyne, P. A.....	Chicago.....	Nov. 10, 1888
King, Simeon W.....	Chicago.....	March 10, 1890
Hewetson, M.....	Chicago.....	July 18, 1890
RESIDENT IN KENTUCKY.		
Slucky, Harry.....	Louisville.....	April 9, 1888
RESIDENT IN LOUISIANA.		
Soniat, Meloney C.....	New Orleans.....	April 13, 1888
Eustis, John G.....	New Orleans.....	July 20, 1889
RESIDENT IN MARYLAND.		
Bartlett, jr., J. Kemp.....	Baltimore.....	Sept. 11, 1889
Hoffman, Th. H.....	Baltimore.....	Jan. 16, 1890
Reardson, G. Evett.....	Baltimore.....	May 16, 1890
RESIDENT IN MASSACHUSETTS.		
Rawson, Chas. J.....	Worcester.....	June 27, 1888
Jones, Edward J.....	Boston.....	Sept. 28, 1888
Adams, Chas. Hall.....	Boston.....	Feb. 11, 1889
Jennison, Samuel.....	Boston.....	Dec. 13, 1889
Read, Augustine H.....	Boston.....	March 7, 1890
Whittier, Daniel B.....	Boston.....	June 4, 1890
RESIDENT IN MISSOURI.		
Abbott, A. L.....	St. Louis.....	Dec. 6, 1888
Greene, Jr., Chas. D.....	St. Louis.....	Dec. 7, 1888
Montgomery, W. P.....	St. Louis.....	Oct. 16, 1888
Elliott, Gilbert.....	St. Louis.....	Feb. 8, 1889

SECRETARY OF STATE.

189

RESIDENT IN NEW YORK.

Ward, Thomas F.....	New York City.....	Aug.	8, 1887
Hooper, Chas. H.....	New York City.....	Aug.	13, 1887
Corey, Geo. H.....	New York City.....	Aug.	31, 1887
Fullerton, Frank W.....	New York City.....	Dec.	12, 1887
Kidder, Leonard R....	New York City.....	Dec.	27, 1887
Nichols, Edward T.....	New York City.....	Jan.	7, 1888
Folsom, Thos. W.....	New York City.....	Feb.	13, 1888
Anderson, Armour C.....	New York City.....	Feb.	16, 1888
Hillery, John A.....	New York City.....	May	28, 1888
Kelly, M. Calhoun.....	New York City.....	Aug.	16, 1888
Braman, Ella F.....	New York City.....	Sept.	14, 1888
Hurley, Richard.....	New York City.....	Sept.	18, 1888
McKinlay, James M.....	New York City.....	Dec.	29, 1888
Corey, Edwin F.....	New York City.....	Jan.	8, 1889
Taylor, Charles.....	New York City.....	Feb.	20, 1889
Jackson, Eleazer.....	New York City.....	Feb.	25, 1889
Nettleton, Chas.....	New York City.....	March	25, 1889
Frenkel, Emil.....	New York City.....	March	7, 1889
Burnham, Frederick A....	New York City.....	April	13, 1889
Braman, Joseph B.....	New York City.....	April	29, 1889
Lett, William F.....	New York City.....	June	29, 1889
Cochen, Henry B.....	New York City.....	Nov.	7, 1889
Everett, Elisha T.....	New York City.....	Nov.	25, 1889
Stanton, Robert L.....	New York City.....	Dec.	14, 1889
Kilvert, Thomas.....	New York City.....	March	24, 1890
Clarkson, Wm. H.....	New York City.....	April	5, 1890
Clifford, Thomas B.....	New York City.....	April	17, 1890
Taylor, George H.....	New York City.....	April	12, 1890
Roseman, Vincent.....	New York City.....	June	6, 1890

RESIDENT IN NEW JERSEY.

Bruns, John N.....	Jersey City.....	July	11, 1890
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RESIDENT IN OHIO.

Levy, Lyman.....	Cincinnati.....	Nov.	17, 1887
Netter, Gabriel.....	Cincinnati.....	Feb.	20, 1888
Harrison, Joseph T.....	Cincinnati.....	Aug.	17, 1889
Kronacher, David F.....	Cincinnati.....	Sept.	23, 1889

RESIDENT IN OREGON.

White, Eugene D.....	Portland.....	Dec.	27, 1887
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RESIDENT IN PENNSYLVANIA.

Clow, Edward H.....	Philadelphia.....	Nov.	22, 1887
Fell, Wm. Jenks....	Philadelphia.....	Jan.	13, 1889
Taylor, Samuel L.....	Philadelphia.....	April	17, 1889
Sparhawk, Charles W.....	Philadelphia.....	June	22, 1889
Rand, Theodore D.....	Philadelphia.....	Oct.	26, 1889
Tener, Kinley J.....	Philadelphia.....	Dec.	9, 1889
Hunt, Thomas J.....	Philadelphia.....	Dec.	13, 1889
Robb, William F.....	Pittsburgh.....	Feb.	3, 1890
Hunt, Geo. W.....	Philadelphia.....	Feb.	17, 1890
Barrett, Frank I.....	Philadelphia.....	April	28, 1890
Wheeler, John H.....	Philadelphia.....	April	30, 1890

RESIDENT IN RHODE ISLAND.

Zopp, Gillman E.....	Providence.....	Oct.	7, 1889
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RESIDENT IN TENNESSEE.

Faulkner, John L.....	Knoxville.....	May	31, 1890
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RESIDENT IN WASHINGTON.

Clement, D. A.....	Spokane Falls.....	June	1, 1890
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LIST OF COMMISSIONERS

For other States, residing in Minnesota, to take Acknowledgments, etc., in Commission August 1, 1890.

ALABAMA.		
NAME.	RESIDENCE.	DATE OF APPOINTMENT.
Carleton, F. H.	Minneapolis.	Nov. 3, 1881
CALIFORNIA.		
Odell, Robert R.	Minneapolis.	Nov. 20, 1889
FLORIDA.		
Carleton, F. H.	Minneapolis.	Dec. 10, 1881
GEORGIA.		
Claud, Jones C.	Minneapolis.	Dec. 31, 1888
Odell R. R.	Minneapolis.	March 28, 1889
ILLINOIS.		
Odell, R. R.	Minneapolis.	March 10, 1890
MAINE.		
Badger, Joseph E.	Minneapolis.	Dec. 13, 1883
Odell, R. R.	Minneapolis.	July 10, 1885
Lancaster, W. H.	Minneapolis.	July 24, 1885
MASSACHUSETTS.		
Odell R. R.	Minneapolis.	April 17, 1889
MICHIGAN.		
Odell R. R.	Minneapolis.	Nov. 12, 1885
Mines, Chas. R.	Stillwater.	Oct. 21, 1888
Davis, Horace W.	Stillwater.	Aug. 6, 1887
Hammond, Chas. D.	Minneapolis.	May 16, 1888
Kellar, Wm. H.	Minneapolis.	June 7, 1889
Wing, H. A.	Duluth.	Jan. 18, 1890
MISSISSIPPI.		
Reeve, Chas. Mc.	Minneapolis.	March 19, 1872
NEW HAMPSHIRE.		
Knight, Oliver M.	St. Paul.	Feb. 12, 1890
Odell, R. R.	Minneapolis.	July 1, 1890
NEBRASKA.		
Reeve, Chas. Mc.	Minneapolis.	April 3, 1872
NEW JERSEY.		
Odell, R. R.	Minneapolis.	Aug. 1, 1889
NEW YORK.		
Kling, Joseph	St. Paul.	Feb. 7, 1889
OHIO.		
Rinker, G. A.	St. Paul.	July 21, 1890
Odell, R. R.	Minneapolis.	June 23, 1888
PENNSYLVANIA.		
Odell, R. R.	Minneapolis.	Nov. 13, 1885
SOUTH CAROLINA.		
Carleton, F. H.	Minneapolis.	Dec. 6, 1881
VERMONT.		
Odell, R. R.	Minneapolis.	Nov. 6, 1885
WISCONSIN.		
Odell, R. R.	Minneapolis.	June 12, 1889

Suggestions for Future Research

There are several important documents that I could not find while researching this article—governor’s instruction to commissioners and directives establishing and later extending the terms of appointment. A “real historian” who had better archival skills than I possess would have found them easily. Someday they will be and inserted in this article.

Researching and writing about commissioners of deeds enabled me to see the far greater importance of its sibling, notaries public. They play and have played unheralded roles in lubricating the wheels of commerce in this country, making investments and transfers of wealth easier and safer and aiding functionaries in the legal system. A history of this neglected but important office is needed.

Acknowledgments

For this article I am particularly indebted to the Office of the Revisor of Statutes, which has posted online the session laws and statutes enacted by the Territorial Legislative Assembly and after statehood by the State Legislature. Over the years I have consulted these laws many times but never as much as while researching this article.

I also searched the files of governors and secretaries of state held by the Historical Society several times. As always the staff at the research library is courteous, knowledgeable and patient.

I thank Elvira Embser-Herbert, Head of Public Services at the State Law Library, for her assistance in locating the last reports of the secretary of state listing commissioners of deeds in Minnesota.

And, finally, I thank Bibi Black, Legal Advisor in the Office of the Secretary of State, for information about the Senate’s current, streamlined method of confirming the multitude of notaries public appointed by the governor.

