

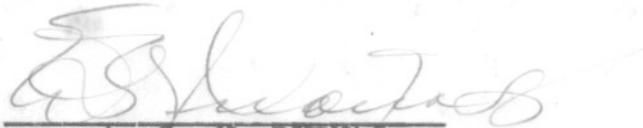
THIRD GUAM LEGISLATURE
1955 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 29, "An Act to amend Sections 22001, 22002, 22004, 22005, 22007, 22008, and 22011 of the Government Code of Guam and to add Sections 22003.1, 22012, 22013, 22014, 22015, 22016, 22017, 22018, and to add Chapter 3, Title XXIII to the Government Code concerning Notaries Public", was on the 5th day of July, 1955, duly and regularly passed.


F. B. LEON GUERRERO
Speaker

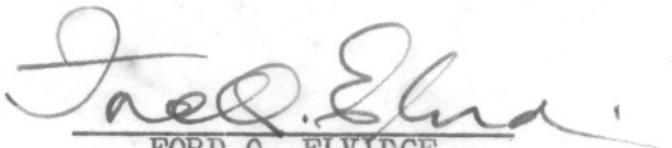
ATTESTED:


A. S. N. DUENAS
Legislative Secretary

This Act was received by the Governor this 8th day of July, 1955 at 10:20 o'clock A. M.


R. S. HERMAN
Secretary of Guam

APPROVED:


FORD Q. ELVIDGE
Governor of Guam

Dated: JUL 26 1955

THIRD GUAM LEGISLATURE
1955 (FIRST) Regular Session

1 Bill No. 29

2 Introduced by Committee on Judiciary,
3 by request.

4 An Act to amend Sections 22001, 22002,
5 22004, 22005, 22007, 22008, and 22011
6 of the Government Code of Guam and to
7 add Sections 22003.1, 22012, 22013,
8 22014, 22015, 22016, 22017, 22018, and
9 to add Chapter 3, Title XXIII to the
10 Government Code concerning Notaries
11 Public.

12 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF
13 GUAM:

14 Section 1. Section 22001 of the Government Code is
15 amended to read as follows:

16 "Section 22001. Same: qualifications. Every
17 person appointed as notary public must be, at the
18 time of appointment, a citizen of the United States,
19 a resident of Guam for at least two (2) years,
20 twenty-one years of age and of a good moral
21 character."

22 Section 2. Section 22002 of the Government Code is
23 amended to read as follows:

24 "Section 22002. Same: term. The term of
25 office of a notary public hereafter appointed shall
26 be five (5) years from and after the date of his
27 commission."

28 Section 3. Section 22003.1 is added to Chapter 1,
29 Title XXIII, Government Code, to read as follows:

30 "Section 22003.1. Same: name and expiration
31 date of commission. Whenever a notary public affixes
32 his signature to any document in his official capacity,
he shall also affix thereto, beneath his signature,
in typewriting, or by rubber stamp, or by printing,
his name in printed letters and the date his

1 commission expires."

2 Section 4. Section 22004 of the Government Code is
3 amended to read as follows:

4 "Section 22004. Same: records. If any
5 notary public dies, resigns, is disqualified,
6 removed from office, or removes from the territory,
7 or upon expiration of his term of office and is
8 not immediately reappointed, his records and all
9 public papers shall, within thirty (30) days, be
10 delivered to the Director of Finance."

11 Section 5. Section 22005 of the Government Code is
12 amended to read as follows:

13 "Section 22005. Same: certification. The
14 Director of Finance, having in his possession the
15 records and papers of a former notary public, may
16 grant certificates or give certified copies of
17 such records and papers, in like manner and with
18 the same effect as such notary public could have
19 done."

20 Section 6. Section 22007 of the Government Code is
21 amended to read as follows:

22 "Section 22007. Same: bond. Each notary
23 public must execute an official bond in the sum
24 of one thousand dollars (\$1000.00), in such form
25 as may be prescribed by the Director of Finance
26 and approved by him. After approval the said
27 bond must be recorded, filed and kept in the
28 office of the Director of Finance."

29 Section 7. Section 22008 of the Government Code is
30 amended to read as follows:

31 "Section 22008. Same: payment of fee; oath;
32 recording. Before entering upon the duties of his

1 office, a notary public must 1) pay his fee;
2 2) take and subscribe his oath of office;
3 3) file and record in the office of the Director
4 of Finance his oath of office, and official bond.
5 If such action is not taken within thirty (30)
6 days from the date of his commission, such commis-
7 sion shall thereupon be void and of no effect."

8 Section 8. Section 22011 of the Government Code is
9 amended to read as follows:

10 "Section 22011. Fee. A fee of twenty-five
11 dollars (\$25.00) shall be paid to the Treasurer
12 of Guam for each appointment as notary public."

13 Section 9. Section 22012 is added to Chapter 1,
14 Title XXIII, Government Code, to read as follows:

15 "Section 22012. Acts after expiration of
16 term. No person who has been appointed and commis-
17 sioned as a notary public shall perform any act
18 as a notary public knowing that his term of office
19 has expired."

20 Section 10. Section 22013 is added to Chapter 1,
21 Title XXIII, Government Code, to read as follows:

22 "Section 22013. Same: validity. An official
23 act by a person who has been appointed and commis-
24 sioned as a notary public, performed after the
25 expiration of his term of office, is as valid as
26 if done during his term of office."

27 Section 11. Section 22014 is added to Chapter 1,
28 Title XXIII, Government Code, to read as follows:

29 "Section 22014. Same: ineligibility for
30 subsequent appointment. A person who has been
31 appointed and commissioned as a notary public
32 and who performs any act as such after expiration

1 of his term of office, knowing that his term has
2 expired, shall be ineligible for a subsequent
3 appointment."

4 Section 12. Section 22015 is added to Chapter 1,
5 Title XXIII, Government Code, to read as follows:

6 "Section 22015. Certification without
7 administration of oath. No notary public shall
8 certify to the affidavit of a person without
9 personally administering the oath or affirmation
10 to such person. Such act shall constitute grounds
11 for removal from office by the Governor. A notary
12 public so removed from office shall be ineligible
13 for a subsequent appointment."

14 Section 13. Section 22016 is added to Chapter 1,
15 Title XXIII, Government Code, to read as follows:

16 "Section 22016. Removal from office. The
17 following shall constitute official misconduct
18 and grounds for removal from office by the Governor:

19 (a) Charging or receiving for an act or
20 service done or rendered by him a fee
21 greater than the amount prescribed by law.

22 (b) Dishonestly, unfaithfully, or improperly
23 discharging any of his duties as notary public.

24 (c) Certifying to the affidavit of a person
25 without administering the oath or affirmation
26 to such person.

27 (d) Violation of any provision of this
28 Chapter.

29 (e) Conviction of felony, or a misdemeanor
30 involving moral turpitude."

31 Section 14. Section 22017 is added to Chapter 1,
32 Title XXIII, Government Code, to read as follows:

1 "Section 22017. Penalty. Whoever violates
2 any provision of this Chapter shall be guilty of
3 a misdemeanor."

4 Section 15. Section 22018 is added to Chapter 1,
5 Title XXIII, Government Code, to read as follows:

6 "Section 22018. Copy to be furnished. A
7 certified copy of this Title shall be furnished
8 each notary public with his commission."

9 Section 16. Chapter 3 is hereby added to Title XXIII,
10 Government Code, as follows:

11 "CHAPTER 3

12 OFFICERS OF THE ARMED FORCES OF THE UNITED STATES

13 Section 22200. Officers authorized to perform
14 notarial acts. Any commissioned officer of the
15 armed forces of the United States, while on active
16 duty, who is authorized to administer oaths by the
17 Uniform Code of Military Justice, may administer
18 oaths and affirmations, take depositions, affidavits,
19 and acknowledgments of deeds, grants, transfers, and
20 other instruments of writing, and powers of attorney,
21 of any person who for the time being is on active
22 duty with the armed forces of the United States, in
23 the same manner as a notary public.

24 Any oath or affirmation administered, and
25 deposition or affidavit taken, or acknowledgment
26 certified by such officer hereunder, if otherwise
27 in accordance with law, shall be effectual for all
28 purposes as if administered, taken or certified by
29 a notary public appointed and commissioned under
30 this Title."
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