

รายการอ้างอิง

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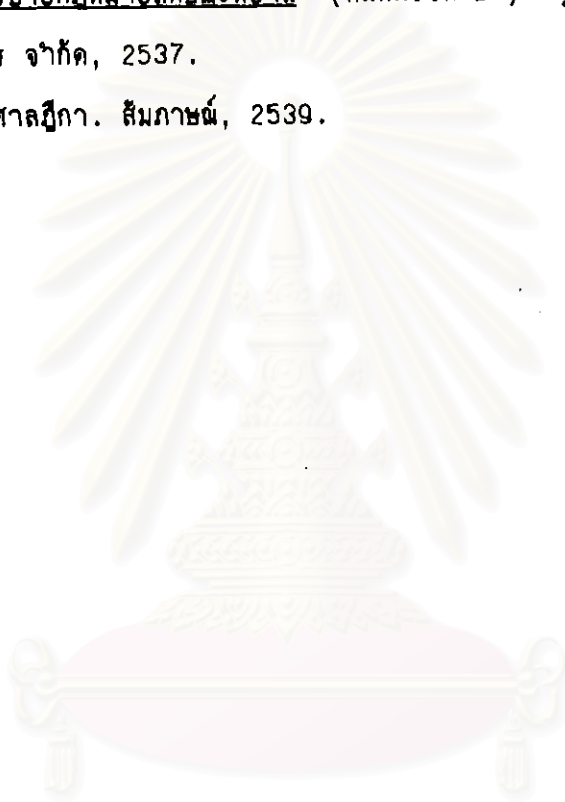
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จุฬาลงกรณ์มหาวิทยาลัย

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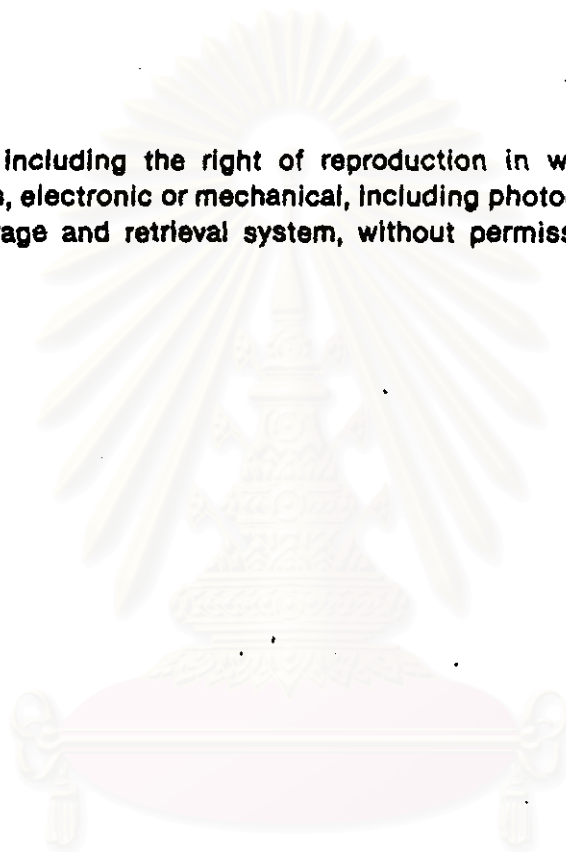
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Filing Certificate of Official Character	10.00
Authentication Certificate	3.00
Protest of Note, Commercial Paper, etc.75
Each additional Notice of Protest (limit 5) each .	.10
Oath or Affirmation25
Acknowledgement (each person)25
Proof of Execution (each person)25
Swearing Witness25

INTRODUCTION

Notaries are commissioned by the Secretary of State after they pass a walk-in examination and their applications are reviewed. The written examination is based on material contained in this booklet, and may also include questions pertaining to general knowledge and reasoning ability.

Lists of successful candidates are sent by the Department of State to the county clerk of the New York State county in which the applicant resides. Upon receipt of these lists, county clerks notify newly commissioned notaries to file their oaths of office and official signatures with their county clerks. This must be done within 30 days.

Upon request, county clerks will authenticate the signature of the notary on a document and will attest to the notary's authority to sign. This is normally obtained when the documents will be used outside the State. Notaries who expect to sign documents regularly in counties other than that of their residence may elect to file oaths of office and signatures with other New York State county clerks.

Out-of-State Residents. Attorneys, residing out of State, who are admitted to practice in the State and who maintain a law office within the State are deemed to be residents of the county where the office is maintained. Nonresidents other than attorneys who have offices or places of business in New York State may also become notaries. The oath of office and signature of the notary must be filed in the office of the county clerk of the county in which the office or place of business is located.

PROFESSIONAL CONDUCT

Use of the office of notary in other than the specific, step-by-step procedure required is viewed as a serious offense by the Secretary of State. The practice of taking

acknowledgments and affidavits over the telephone, or otherwise, without the actual, personal appearance of the individual making the acknowledgment or affidavit before the officiating notary, is illegal.

The attention of all notaries public is called to the following judicial declarations concerning such misconduct:

"The court again wishes to express its condemnation of the acts of notaries taking acknowledgments or affidavits without the presence of the party whose acknowledgment is taken or the affiant, and that it will treat serious professional misconduct the act of any notary thus violating his official duty." (*Matter of Napolis*, 169 App. Div. 469, 472.)

"Upon the faith of these acknowledgments rests the title of real property, and the only security to such titles is the fidelity with which notaries and commissioners of deeds perform their duty in requiring the appearance of parties to such instruments before them and always refusing to execute a certificate unless the parties are actually known to them or the identity of the parties executing the instruments is satisfactorily proved." (*Matter of Gottheim*, 153 App. Div. 779, 782.)

Equally unacceptable to the Secretary of State is slipshod administration of oaths. The simplest form in which an oath may be lawfully administered is:

"You do solemnly swear that the contents of this affidavit subscribed by you is correct and true?" (*Bookman v. City of New York*, 200 N.Y. 53, 56.)

"Whatever the form adopted, it must be in the presence of an officer authorized to administer it, and it must be an unequivocal and present act by which the affiant consciously takes upon himself the obligation of an oath." (*Idem*, citing *People ex rel.*

Kenyon v. Sutherland, 81 N.Y. 1; *O'Reilly v. People*, 86 N.Y. 154, 158, 161.)

Unless a lawyer, the notary public may not engage directly or indirectly in the practice of law. Listed below are some of the activities involving the practice of law which are prohibited, and which subject the notary public to removal from office by the Secretary of State, and possible imprisonment, fine or both. A notary:

1. May not give advice on the law. The notary may not draw any kind of legal papers, such as wills, deeds, bills of sale, mortgages, chattel mortgages, contracts, leases, offers, options, incorporation papers, releases, mechanics liens, power of attorney, complaints and all legal pleadings, papers in summary proceedings to evict a tenant, or in bankruptcy, affidavits, or any papers which our courts have said are legal documents or papers.

2. May not ask for and get legal business to send to a lawyer or lawyers with whom he has any business connection or from whom he receives any money or other consideration for sending the business.

3. May not divide or agree to divide his fees with a lawyer, or accept any part of a lawyer's fee on any legal business.

4. May not advertise in, or circulate in any manner, any paper or advertisement, or say to anyone that he has any powers or rights not given to the notary by the laws under which the notary was appointed.

A notary public is cautioned not to execute an acknowledgment of the execution of a will. Such acknowledgment cannot be deemed equivalent to an attestation clause accompanying a will.

JUDICIARY LAW

§484. None but attorneys to practice in the state. No natural person shall ask or receive, directly or indirectly, compensation for appearing for a person other than himself as attorney in any court or before any magistrate, or for preparing deeds, mortgages, assignments, discharges, leases or any other instruments affecting real estate, wills, codicils, or any other instrument affecting the disposition of property after death, or decedents' estates, or pleadings of any kind in any action brought before any court of record in this state, or make it a business to practice for either as an attorney in any court or before any magistrate unless he has been regularly admitted to practice, as an attorney or counselor, in the courts of record in the state; but nothing in this section shall apply (1) to officers of societies for the prevention of cruelty, duly appointed, when exercising the special powers conferred upon such corporations under section 1403 of the not-for-profit corporation law; or (2) to law students in their senior or final year of law school or persons who have graduated from a law school, who have taken the examination for admittance to practice law in the courts of record in the state immediately available after graduation from law school, or the examination immediately available after being notified by the board of law examiners that they failed to pass said exam, and who have not been notified by the

*Where gender pronouns appear in this booklet, they are meant to refer to both male and female persons.

board of law examiners that they have failed to pass two such examinations, acting under the supervision of a legal aid organization, when such students and persons are acting under a program approved by the appellate division of the supreme court of the department in which the principal office of such organization is located and specifying the extent to which such students and persons may engage in activities prohibited by this statute; or (3) to persons who have graduated from a law school approved pursuant to the rules of the court of appeals for the admission of attorneys and counselors-at-law and who have taken the examination for admission to practice as an attorney and counselor-at-law immediately available after graduation from law school or the examination immediately available after being notified by the board of law examiners that they failed to pass said exam, and who have not been notified by the board of law examiners that they have failed to pass two such examinations, when such persons are acting under the supervision of the state or a subdivision thereof or of any officer or agency of the state or a subdivision thereof, pursuant to a program approved by the appellate division of the supreme court of the department within which such activities are taking place and specifying the extent to which they may engage in activities otherwise prohibited by this statute and those powers of the supervising governmental entity or officer in connection with which they may engage in such activities.

§485. Violation of certain preceding sections a misdemeanor. Any person violating the provisions of section 478, 479, 480, 481, 482, 483 or 484, shall be guilty of a misdemeanor.

§750. Power of courts to punish for criminal contempts. ***B. ***the supreme court has power under this section to punish for a criminal contempt any person who unlawfully practices or assumes to practice law; and a proceeding under this subdivision may be instituted on the court's own motion or on the motion of any officer charged with the duty of investigating or prosecuting unlawful practice of law, or by any bar association incorporated under the laws of this state.

Illegal practice of law by notary public. To make it a business to practice as an attorney at law, not being a lawyer, is a crime. "Counsel and advice, the drawing of agreements, the organization of corporations and preparing papers connected therewith, the drafting of legal documents of all kinds, including wills, are activities which have been long classed as law practice." (*People v. Alfani*, 227 N.Y. 334, 339.)

Wills. The execution of wills under the supervision of a notary public acting in effect as a lawyer, "cannot be too strongly condemned, not only for the reason that it means an invasion of the legal profession, but for the fact that testators thereby run the risk of frustrating their own solemnly declared intentions and rendering worthless maturely considered plans for the disposition of estates whose creation may have been the fruit of lives of industry and self-denial." (*Matter of Flynn*, 142 Misc. 7.)

EXECUTIVE LAW PERTAINING TO APPOINTMENT OF NOTARIES PUBLIC

§130. Appointment of notaries public. The secretary of state may appoint and commission as many notaries public

for the state of New York as in his judgment may be deemed best, whose jurisdiction shall be co-extensive with the boundaries of the state. The appointment of a notary public shall be for a term of 2 years. An application for an appointment as notary public shall be in form and set forth such matters as the secretary of state shall prescribe. Every person appointed as notary public must be either a resident of the state of New York or have an office or place of business in New York state.* A notary public who is a resident of the state and who moves out of the state but still maintains a place of business or an office in New York state does not vacate his office as a notary public.** A notary public who is a nonresident and who ceases to have an office or place of business in this state, vacates his office as a notary public. A notary public who is a resident of New York state and moves out of the state and who does not retain an office or place of business in this state shall vacate his office as a notary public. A nonresident who accepts the office of notary public in this state thereby appoints the secretary of state as the person upon whom process can be served on his behalf. Before issuing to any applicant a commission as notary public, unless he is an attorney and counsellor at law duly admitted to practice in this state, the secretary of state shall satisfy himself that the applicant is of good moral character, has the equivalent of a common school education and is familiar with the duties and responsibilities of a notary public; provided, however, that where a notary public applies, before the expiration of his term, for a reappointment or where a person whose term as notary public shall have expired applies within six months thereafter for appointment as a notary public, such qualifying requirements may be waived by the secretary of state, and further, where an application for reappointment is filed after the expiration of the aforementioned renewal period by a person who failed or was unable to reapply by reason of his induction or enlistment in the armed forces of the United States, such qualifying requirements may also be waived by the secretary of state, provided such application for reappointment is made within a period of one year after the military discharge of the applicant under conditions other than dishonorable. In any case, the appointment or reappointment of any applicant is in the discretion of the secretary of state. The secretary of state may suspend or remove from office, for misconduct, any notary public appointed by him but no such removal shall be made unless the person who is sought to be removed shall have been served with a copy of the charges against him and have an opportunity of being heard. No person shall be appointed as a notary public under this article who has been convicted, in this state or any other state or territory, of a felony or any of the following offenses, to wit:

(a) Illegally using, carrying or possessing a pistol or other dangerous weapon; (b) making or possessing burglar's instruments; (c) buying or receiving or criminally

possessing stolen property; (d) unlawful entry of a building; (e) aiding escape from prison; (f) unlawfully possessing or distributing habit forming narcotic drugs; (g) violating sections 270, 270-a, 270-b, 270-c, 271, 275, 276, 550, 551, 551-a and subdivision 6, 8, 10 or 11 of section 722 of the former penal law as in force and effect immediately prior to September 1, 1967, or violating section 165.25, 165.30, subdivision 1 of section 240.30, subdivision 3 of section 240.35 of the penal law, or violating sections 478, 479, 480, 481, 484, 489 and 491 of the judiciary law; or (h) vagrancy or prostitution, and who has not subsequent to such conviction received an executive pardon therefor or a certificate of good conduct from the parole board to remove the disability under this section because of such conviction.

A person regularly admitted to practice as an attorney and counsellor in the courts of record of this state, whose office for the practice of law is within the state, may be appointed a notary public and retain his office as such notary public although he resides in or removes to an adjoining state. For the purpose of this and the following sections of this article such person shall be deemed a resident of the county where he maintains such office.

§131. Procedure of appointment; fees and commissions.

1. Upon being satisfied of the competency and good character of the applicant for appointment as notary public, the secretary of state shall issue a commission to such person. The secretary of state shall receive a non-refundable examination fee of \$15 from each person who takes an examination to qualify for application of licensure pursuant to this section and section 130 of this article.

2. The secretary of state shall receive a nonrefundable application fee of \$20 from applicants for appointment or reappointment, which fee shall be submitted together with the application. No further fee shall be paid for the issuance of the commission after approval of such application. Notwithstanding the provisions of section 130 of this article, after January 1, 1986, the secretary of state shall assign staggered expiration dates for outstanding appointments that have been previously renewed on March 30th of each year and such appointments shall thereafter expire two years from the assigned date unless renewed. If the assigned date results in a term that exceeds 24 months, the applicant shall pay an additional prorated adjustment together with the regular renewal fee. The secretary of state shall assign dates to existing appointments in a manner which shall result in a term of not less than two years.

3. The commission, duly dated, shall be transmitted by the secretary of state to the county clerk of the county in which the appointee resides. Upon receiving such commission, the county clerk shall forthwith notify each person so appointed to qualify by filing with him his oath of office, duly executed before any person authorized to administer an oath, together with his official signature, within 30 days from the date of such notice.

3-a. The county clerk may designate from among the members of his staff, by a certificate filed in his office, any assistant to administer oaths of office to persons appointed notaries public by the secretary of state who appear at the county clerk's office for the purpose of executing such oaths.

*A notary public is a public officer and therefore must be 18 years of age at the time application for appointment is filed. (Public Officers Law.)

**Powers of nonresident notaries. The authority of a nonresident notary public who qualifies as such, pursuant to this section, is limited to the taking of depositions as the word is used in its strict, legal sense, and does not extend to either the verification of affidavits sworn to before him or the acknowledgment of other deeds and other instruments to be recorded. (Op. Atty. Gen., Dec. 28, 1971.)

4. The county clerk shall make a proper index of commissions and official signatures filed with him. For filing and indexing the commission of appointment and official signature, the county clerk shall be paid a fee of \$10 by the appointee, which fee shall include the administration of the oath by the county clerk, should he administer the same.

5. If a person appointed notary public shall not file his oath of office as such notary public, in the office of the clerk of the county of his residence, within 30 days after the notice of his appointment as above provided, his appointment is deemed revoked and the fee filed with his application forfeited. However, after such revocation, any such notary public may reapply for a new appointment, but shall not be required to take and pass another examination during the term for which he was previously certified.

6. Each county clerk on or before the 10th day of each month shall make a report to the secretary of state for the preceding month, indicating the name and date of the qualification of each notary public and also the name of each notary public whose appointment was revoked and forfeited by his failure to qualify.

7. Except for changes made in an application for reappointment, the secretary shall receive a nonrefundable fee of \$10 for changing the name or address of a notary public.

8. A duplicate identification card may be issued to a notary public for one lost, destroyed or damaged upon application therefor on a form prescribed by the secretary of state and upon payment of a nonrefundable fee of \$10. Each such duplicate identification card shall have the word "duplicate" stamped across the face thereof and shall bear the same number as the one it replaces.

§132. Certificates of official character of notaries public. The secretary of state or the county clerk of the county in which the commission of a notary public is filed may certify to the official character of such notary public and any notary public may file his autograph signature and a certificate of official character in the office of any county clerk of any county in the state and in any register's office in any county having a register and thereafter such county clerk may certify as to the official character of such notary public. The secretary of state shall collect for each certificate of official character issued by him the sum of \$10. The county clerk and register of any county with whom a certificate of official character has been filed shall collect for filing the same the sum of \$10. For each certificate of official character issued, with seal attached, by any county clerk, the sum of \$5 shall be collected by him.

§133. Certification of notarial signatures. The county clerk of a county in whose office any notary public has qualified or has filed his autograph signature and a certificate of his official character, shall, when so requested and upon payment of a fee of \$3 affix to any certificate of proof or acknowledgment or oath signed by such notary anywhere in the state of New York, a certificate under his hand and seal, stating that a commission or a certificate of his official character with his autograph signature has been filed in his office, and that he was at the time of

taking such proof or acknowledgment or oath duly authorized to take the same; that he is well acquainted with the handwriting of such notary public or has compared the signature on the certificate of proof or acknowledgment or oath with the autograph signature deposited in his office by such notary public and believes that the signature is genuine. An instrument with such certificate of authentication of the county clerk affixed thereto shall be entitled to be read in evidence or to be recorded in any of the counties of this state in respect to which a certificate of a county clerk may be necessary for either purpose.

Special Note

By reason of changes in certain provisions of the Real Property Law, any and all limitations on the authority of a notary public to act as such in any part of the State have been removed; a notary public may now, in addition to administering oaths or taking affidavits anywhere in the State, take acknowledgments and proofs of conveyances anywhere in the State. The need for a certificate of authentication of a county clerk as a prerequisite to recording or use in evidence in this State of the instrument acknowledged or proved has been abolished. The certificate of authentication may possibly be required where the instrument is to be recorded or used in evidence outside the jurisdiction of the State.

§134. Signature and seal of county clerk. The signature and seal of a county clerk, upon a certificate of official character of a notary public or the signature of a county clerk upon a certificate of authentication of the signature and acts of a notary public or commissioner of deeds, may be a facsimile, printed, stamped, photographed or engraved thereon.

§135. Powers and duties; in general; of notaries public who are attorneys at law. Every notary public duly qualified is hereby authorized and empowered within and throughout the state to administer oaths and affirmations, to take affidavits and depositions, to receive and certify acknowledgments or proof of deeds, mortgages and powers of attorney and other instruments in writing; to demand acceptance or payment of foreign and inland bills of exchange, promissory notes and obligations in writing, and to protest the same for nonacceptance or nonpayment, as the case may require, and, for use in another jurisdiction, to exercise such other powers and duties as by the laws of nations and according to commercial usage, or by the laws of any other government or country may be exercised and performed by notaries public, provided that when exercising such powers he shall set forth the name of such other jurisdiction.

A notary public who is an attorney at law regularly admitted to practice in this state may, in his discretion, administer an oath or affirmation to or take the affidavit or acknowledgment of his client in respect of any matter, claim, action or proceeding.

For any misconduct by a notary public in the performance of any of his powers such notary public shall be liable to the parties injured for all damages sustained by them. A notary public shall not, directly or indirectly, demand or receive for the protest for the nonpayment of any note, or for the nonacceptance or nonpayment of any bill of

exchange, check or draft and giving the requisite notices and certificates of such protest, including his notarial seal, if affixed thereto, any greater fee or reward than 75¢ for such protest, and 10¢ for each notice, not exceeding 5, on any bill or note. Every notary public having a seal shall, except as otherwise provided, and when requested, affix his seal to such protest free of expense.

§135-a. Notary public or commissioner of deeds; acting without appointment; fraud in office.

1. Any person who holds himself out to the public as being entitled to act as a notary public or commissioner of deeds, or who assumes, uses or advertises the title of notary public or commissioner of deeds, or equivalent terms in any language, in such a manner as to convey the impression that he is a notary public or commissioner of deeds without having first been appointed as notary public commissioner of deeds, or

2. A notary public or commissioner of deeds, who in the exercise of the powers, or in the performance of the duties of such office shall practice any fraud or deceit, the punishment for which is not otherwise provided for by this act, shall be guilty of a misdemeanor.

§136. Notarial fees. A notary public shall be entitled to the following fees:

1. For administering an oath or affirmation, and certifying the same when required, except where another fee is specifically prescribed by statute, 25¢.

2. For taking and certifying the acknowledgment or proof of execution of a written instrument, by one person, 25¢, and by each additional person, 25¢, for swearing such witness thereto, 25¢.

§137. Statement as to authority of notaries public. In exercising his powers pursuant to this article, a notary public, in addition to the venue of his act and his signature,

shall print, typewrite, or stamp beneath his signature in black ink, his name, the words "Notary Public State of New York," the name of the county in which he originally qualified, and the date upon which his commission expires and, in addition, wherever required, a notary public shall also include the name of any county in which his certificate of official character is filed, using the words "Certificate of Official Character in the County of County." A notary public who is duly licensed as an attorney and counsellor at law in this state may in his discretion, substitute the words "Attorney and Counsellor at Law" for the words "Notary Public." A notary public who has qualified or who has filed a certificate of official character in the office of the clerk in a county or counties within the city of New York must also affix to each instrument his official number or numbers in black ink, as given to him by the clerk or clerks of such county or counties at the time such notary qualified in such county or counties and, if the instrument is to be recorded in an office of the register of the city of New York in any county within such city and the notary has been given a number or numbers by such register or his predecessors in such county or counties, when his autographed signature and certificate are filed in such office or offices pursuant to this chapter, he shall also affix such number or numbers. No official act of such notary public shall be held invalid on account of the failure to comply with these provisions. If any notary public shall wilfully fail to comply

with any of the provisions of this section, he shall be subject to disciplinary action by the secretary of state. In all the courts within this state the certificate of a notary public, over his signature, shall be received as presumptive evidence of the facts contained in such certificate; provided, that any person interested as a party to a suit may contradict, by other evidence, the certificate of a notary public.

§138. Powers of notaries public or other officers who are stockholders, directors, officers or employees of a corporation. A notary public, justice of the supreme court, a judge, clerk, deputy clerk, or special deputy clerk of a court, an official examiner of title, or the mayor or recorder of a city, a justice of the peace, surrogate, special surrogate, special county judge, or commissioner of deeds, who is a stockholder, director, officer or employee of a corporation may take the acknowledgment or proof of any party to a written instrument executed to or by such corporation, or administer an oath to any other stockholder, director, officer, employee or agent of such corporation, and such notary public may protest for nonacceptance or nonpayment, bills of exchange, drafts, checks, notes and other negotiable instruments owned or held for collection by such corporation; but none of the officers above named shall take the acknowledgment or proof of a written instrument by or to a corporation of which he is stockholder, director, officer or employee, if such officer taking such acknowledgment or proof be a party executing such instrument, either individually or as representative of such corporation, nor shall a notary public protest any negotiable instruments owned or held for collection by such corporation, if such notary public be individually a party to such instrument, or have a financial interest in the subject of same. All such acknowledgments or proofs of deeds, mortgages or other written instruments, relating to real property heretofore taken before any of the officers aforesaid are confirmed. This act shall not affect any action or legal proceeding now pending.

MISCELLANEOUS

Member of legislature. "If a member of the legislature be appointed to any office, civil or military, under the government of the State of New York, his or her acceptance thereof shall vacate his or her seat in the legislature, providing, however, that a member of the legislature may be appointed to any office in which he or she shall receive no compensation." (Section 7 of Article III of the Constitution of the State of New York.) A member of the legislature may be appointed a notary public in view of transfer of power of such appointment from the governor and senate to the secretary of state. (1927, Op. Atty. Gen. 97.)

Sheriffs. "Sheriffs shall hold no other office." (Section 13(a) of Article XIII of the Constitution of the State of New York.)

Notary must not act before taking and filing oath of office. The Public Officers Law (§15) provides that a person who executes any of the functions of a public office without having taken and duly filed the required oath of office, as prescribed by law, is guilty of a misdemeanor. A notary public is a public officer.

Misconduct by a notary and removal from office. A notary public who, in the performance of the duties of such office shall practice any fraud or deceit, is guilty of a misdemeanor (Executive Law, §135-a), and may be removed from office. The notary may be removed from office if the notary made a misstatement of a material fact in his application for appointment; for preparing and taking an oath of an affiant to a statement that the notary knew to be false or fraudulent.

Notary must officiate on request. The Penal Law (§195.00) provides that an officer before whom an oath or affidavit may be taken is bound to administer the same when requested, and a refusal to do so is a misdemeanor. (*People v. Brooks*, 1 Den. 457.)

Notary public — disqualifications. Though a person may be eligible to hold the office of notary the person may be disqualified to act in certain cases by reason of having an interest in the case. To state the rule broadly: if the notary is a party to or directly and pecuniarily interested in the transaction, the person is not capable of acting in that case. For example, a notary who is a grantee or mortgagee in a conveyance or mortgage is disqualified to take the acknowledgment of the grantor or mortgagor; likewise a notary who is a trustee in a deed of trust; and, of course, a notary who is the grantor could not take his own acknowledgment. A notary beneficially interested in the conveyance by way of being secured thereby is not competent to take the acknowledgment of the instrument. In New York the courts have held an acknowledgment taken by a person financially or beneficially interested in and a party to a conveyance or instrument of which it is a part to be a nullity; and that the acknowledgment of an assignment of a mortgage before one of the assignees is a nullity; and that an acknowledgment by one of the incorporators of the other incorporators who signed a certificate was of no legal effect.

Perjury. One is guilty of perjury if he has stated or given testimony on a material matter, under oath or by affirmation, as to the truth thereof, when he knew the statement or testimony to be false and willfully made.

MISCELLANEOUS STATUTORY PROVISIONS

The following provisions of law are set out for the guidance of notaries public. It is expected that applicants for commissions and persons appointed will thoroughly familiarize themselves with this material.

Banking Law

§335. Special remedies where rental of safe deposit box is not paid or when safe deposit box is not vacated on termination of lease. Every lessor shall be entitled to the following special remedies:

1. (a) If the amount due for the rental of any safe deposit box let by any lessor shall not have been paid for one year, or if the lessee thereof shall not have removed the contents thereof within 30 days from the termination of the lease therefor for any reason other than for nonpayment of rent, the lessor may, at the expiration of such period, send to

the lessee of such safe deposit box; by registered or certified mail, return receipt requested, a notice in writing in a securely closed postpaid letter, directed to such person at his last known post-office address, as recorded upon the books of the lessor, notifying such lessee that if the amount due for the rental of such safe deposit box is not paid within 30 days from date, and/or if the contents thereof are not removed within 30 days from date, the lessor may, at any time thereafter, cause such safe deposit box to be opened, and the contents thereof to be inventoried and removed from such safe deposit box.

(b) At any time after the expiration of 30 days from the date of mailing such notice, and the failure of the lessee of the safe deposit box to pay the amount due for the rental thereof to the date of payment, and/or remove the contents thereof, the lessor may, in the presence of a notary public and of any officer of the lessor or any other employee of the lessor designated for such purpose by the lessor, cause such safe deposit box to be opened, and the contents thereof, if any, to be removed and inventoried. Such contents shall be retained by the lessor for safe-keeping for a period of not less than two years unless sooner removed by the lessee of the safe deposit box so opened. The charge for such safe-keeping shall not exceed the original rental of the safe deposit box so opened. The notary public shall file with the lessor a certificate under seal, which shall fully set out the date of the opening of such safe deposit box, the name of the lessee of such safe deposit box and a list of the contents, if any.

(c) A copy of such certificate shall within 10 days after the opening be mailed by registered or certified mail, return receipt requested, to the lessee of the safe deposit box so opened, at his last known post-office address, in a securely closed postpaid letter, together with a notice that the contents will be kept, at the expense of the lessee, by the lessor for a period of not less than two years. Upon the payment of all rentals due at the time of the opening of the safe deposit box, the cost of the opening thereof, the fees of the notary public for issuing his certificate thereon, and the payment of all further charges and costs of safe-keeping such contents for the period since the opening of the safe deposit box, the lessee may require the delivery of such of the contents set out in such certificate as have not been sold pursuant to paragraph (d) of this subdivision or destroyed pursuant to paragraph (f) of this subdivision, or become abandoned property.

(d) At any time after the expiration of two years from the time of mailing the certificate herein provided for, the lessor may mail by registered or certified mail, return receipt requested, in a securely closed postpaid letter, addressed to the lessee at his last known post-office address, a notice stating that the lessor will sell all the property or articles of apparent value set out in such certificate, at a time and place stated in such notice, not less than 30 days after the time of mailing such notice and stating the amount which shall have then been due for rental up to the time of opening such safe deposit box, the cost of the opening thereof, the fees of the notary public for issuing his certificate thereon and the further charges and costs of safe-keeping all of its contents for the period since the opening of the safe deposit box. Unless the lessee shall pay on or before the day mentioned all such sums and all the

charges and costs accruing to the time of payment, including advertising the lessor may sell all the property or articles of apparent value set out in such certificate, at public auction, at the time and place stated in such notice, provided a notice of the time and place of sale has been published once within 10 days prior to the sale, in a newspaper published in the place where the sale is to be held or, if there be no newspaper published in such place, then in a newspaper published in the same or in an adjoining county and in general circulation in the place where the sale is to be held.

(e) From the proceeds of the sale, the lessor shall deduct all its charges and costs as stated in such notice, together with any further charges and costs that shall have accrued since the mailing thereof, including reasonable expenses for notice, advertising and sale. The balance, if any, may be used to pay from time to time the further costs and charges of safe-keeping and destroying the other contents, any, of the safe deposit box. Unless sooner claimed by the lessee of the safe deposit box so opened, such balance or such part as shall remain after the payment of such further charges and costs shall, after the expiration of three years from the time of the opening of the safe deposit box, be deemed abandoned property subject to the provisions of article three of the abandoned property law.

(f) Any documents, letters or other papers of a private nature and any property or articles of no apparent value among the contents of any such safe deposit box shall not be sold, but shall be retained by the lessor for a period of at least 10 years from the time of the opening of the safe deposit box, and, unless sooner claimed by the lessee of the safe deposit box, may thereafter be destroyed.

(g) United States coin or currency among the contents of any safe deposit box so opened need not be sold, but may be used by the lessor to pay the amount which shall have been due for rental up to the time of opening such safe deposit box, the cost of the opening thereof, the fees of the notary public for issuing his certificate thereon, and pay from time to time the further charges and costs of safe-keeping, selling and destroying the contents of the safe deposit box so opened, including reasonable expenses for notices, advertising and sale and destruction. Unless sooner claimed by the lessee of the safe deposit box, such coin and currency or such part as shall remain after payment of the said charges and costs shall, after the expiration of three years from the time of the opening of the safe deposit box, be deemed abandoned property subject to the provisions of article three of the abandoned property law.***

Civil Practice Law and Rules — rule 3113

This rule authorizes a deposition to be taken before a notary public in a civil proceeding.

Domestic Relations Law — section 11

A notary public has no authority to solemnize marriages; nor may a notary public take the acknowledgment of parties and witnesses to a written contract of marriage.

Election Law — sections 3-200 and 3-400

A commissioner of elections or inspector of elections is eligible for the office of notary public.

Executive Law — section 140

No person who has been removed from office as a commissioner of deeds for the city of New York shall thereafter be eligible for appointment to the office of notary public.

Penal Law

§70.00 Sentence of imprisonment for felony.

***2. Maximum term of sentence. The maximum term of an indeterminate sentence shall be at least three years and the term shall be fixed as follows:

*** (d) For a class D felony, the term shall be fixed by the court, and shall not exceed seven years;

(e) For a class E felony, the term shall be fixed by the court, and shall not exceed four years.***

§70.15 Sentences of imprisonment for misdemeanors and violation.

1. Class A misdemeanor. A sentence of imprisonment for a class A misdemeanor shall be a definite sentence. When such a sentence is imposed the term shall be fixed by the court, and shall not exceed one year;***

§170.10 Forgery in the second degree. A person is guilty of forgery in the second degree when, with intent to defraud, deceive or injure another, he falsely makes, completes or alters a written instrument which is or purports to be, or which is calculated to become or to represent if completed:

1. A deed, will, codicil, contract, assignment, commercial instrument, or other instrument which does or may evidence, create, transfer, terminate or otherwise affect a legal right, interest, obligation or status; or

2. A public record, or an instrument filed or required or authorized by law to be filed in or with a public office or public servant; or

3. A written instrument officially issued or created by a public office, public servant or governmental instrumentality.

*** Forgery in the second degree is a class D felony.

§175.40 Issuing a false certificate. A person is guilty of issuing a false certificate when, being a public servant authorized by law to make or issue official certificates or other official written instruments, and with intent to defraud, deceive or injure another person, he issues such an instrument, or makes the same with intent that it be issued, knowing that it contains a false statement or false information.

Issuing a false certificate is a class E felony.

§195.00 Official misconduct. A public servant is guilty of official misconduct when, with intent to obtain a benefit or to injure or deprive another person of a benefit:

1. He commits an act relating to his office but constituting an unauthorized exercise of his official functions, knowing that such act is unauthorized; or

2. He knowingly refrains from performing a duty which is imposed upon him by law or is clearly inherent in the nature of his office.

Official misconduct is a class A misdemeanor.

§240.30 Aggravated harassment in the second degree. A person is guilty of aggravated harassment in the second

degree when, with intent to harass, annoy, threaten or alarm another person, he:

1. Communicates, or causes a communication to be initiated by mechanical or electronic means or otherwise, with a person, anonymously or otherwise, by telephone, or by telegraph, mail or any other form of written communication, in a manner likely to cause annoyance or alarm; or

2. Makes a telephone call, whether or not a conversation ensues, with no purpose of legitimate communication; or

3. Strikes, shoves, kicks, or otherwise subjects another person to physical contact, or attempts or threatens to do the same because of the race, color, religion or national origin of such person.

Aggravated harassment in the second degree is a class A misdemeanor.

Public Officers Law

§3. Qualifications for holding office, provides that:

No person is eligible for the office of notary public who has been convicted of a violation of the selective draft act of the U.S. enacted May 18, 1917, or the acts amendatory or supplemental thereto, or of the federal selective training and service act of 1940 or the acts amendatory thereof or supplemental thereto.

§10. Official oaths, permits the oath of a public officer to be administered by a notary public.

§67. Fees of public officers.

1. Each public officer upon whom a duty is expressly imposed by law, must execute the same without fee or reward, except where a fee or other compensation therefor is expressly allowed by law.

2. An officer or other person, to whom a fee or other compensation is allowed by law, for any service, shall not charge or receive a greater fee or reward, for that service, than is so allowed.

3. An officer, or other person, shall not demand or receive any fee or compensation, allowed to him by law for any service, unless the service was actually rendered by him; except that an officer may demand in advance his fee, where he is, by law, expressly directed or permitted to require payment thereof, before rendering the service.

4. An officer or other person, who violates either of the provisions contained in this section, is liable, in addition to the punishment prescribed by law for the criminal offense, to an action in behalf of the person aggrieved, in which the plaintiff is entitled to treble damages.

A notary public subjects himself to criminal prosecution, civil suit and possible removal by asking or receiving more than the statutory allowance, for administering the ordinary oath in connection with an affidavit. (Op. Atty. Gen. (1917) 12 St. Dept. Rep. 507.)

§69. Fee for administering certain official oaths prohibited. An officer is not entitled to a fee, for administering the oath of office to a member of the legislature, to any military officer, to an inspector of election, clerk of the poll, or to any other public officer or public employee.

Real Property Law

§290. Definitions; effect of article.

***3. The term "conveyance" includes every written instrument, by which any estate or interest in real property is created, transferred, mortgaged or assigned, or by which the title to any real property may be affected, including an instrument in execution of power, although the power be one of revocation only, and an instrument postponing or subordinating a mortgage lien; except a will, a lease for a term not exceeding three years, and an executory contract for the sale or purchase of lands, and an instrument containing a power to convey real property as the agent or attorney for the owner of such property.

§298. Acknowledgments and proofs within the state. The acknowledgment or proof, within this state, of a conveyance of real property situate in this state may be made:

1. At any place within the state, before (a) a justice of the supreme court; (b) an official examiner of title; (c) an official referee; or (d) a notary public.

2. Within the district wherein such officer is authorized to perform official duties, before (a) a judge or clerk of any court of record; (b) a commissioner of deeds outside of the city of New York, or a commissioner of deeds of the city of New York within the five counties comprising the city of New York; (c) the mayor or recorder of a city; (d) a surrogate, special surrogate, or special county judge; or (e) the county clerk or other recording officer of a county.

3. Before a justice of the peace, town councilman, village police justice or a judge of any court of inferior local jurisdiction, anywhere within the county containing the town, village or city in which he is authorized to perform official duties.

§302. Acknowledgments and proofs by married women. The acknowledgment or proof of a conveyance of real property, within the state, or of any other written instrument, may be made by a married woman the same as if unmarried.

§303. Requisites of acknowledgments. An acknowledgment must not be taken by any officer unless he knows or has satisfactory evidence, that the person making it is the person described in and who executed such instrument.

"The thing to be known is the identity of the person making the acknowledgment with the person described in the instrument and the person who executed the same. This knowledge must be possessed by the official." (*Gross v. Rowley*, 1911, 147 App. Div. 529, 132 N.Y.S. 541. See, also, *In re Kroog's Estate*, 1915, 89 Misc. 35, 152 N.Y.S. 553; *Moran v. Stader*, 1907, 52 Misc. 385, 103 N.Y.S. 175; *Bidwell v. Sullivan*, 1897, 17 App. Div. 629, 45 N.Y.S. 530.)

An officer is forbidden to take an acknowledgment unless he knows or has proof that the person making it is the person described in and who executed the instrument. (*People v. Kempner*, 1900, 49 App. Div. 121, 63 N.Y.S. 199.)

It is improper for a notary public or commissioner of deeds to take the acknowledgment of a paper which is executed entirely in blank and a county clerk should not attach an authentication to such a paper. (1939, Op. Atty. Gen. 319.)

§304. Proof by subscribing witness. When the execution of a conveyance is proved by a subscribing witness, such witness must state his own place of residence, and if his place of residence is in a city, the street and street number, if any thereof, and that he knew the person described in and who executed the conveyance. The proof must not be taken unless the officer is personally acquainted with such witness, or has satisfactory evidence that he is the same person, who was a subscribing witness to the conveyance.

§306. Certificate of acknowledgment or proof. A person taking the acknowledgment or proof of a conveyance must indorse thereupon or attach thereto, a certificate, signed by himself, stating all the matters required to be done, known, or proved on the taking of such acknowledgment or proof; together with the name and substance of the testimony of each witness examined before him, and of a subscribing witness, his place of residence.***

§309. Acknowledgment by corporation and form of certificate. The acknowledgment of a conveyance or other instrument by a corporation, must be made by some officer, or in case of a dissolved corporation, by some officer or director thereof authorized to execute the same by the board of directors of said corporation. The certificate of acknowledgment must conform substantially with one of the following alternative forms, the blanks being properly filled:

State of New York)ss.:
County of

On the.....day of.....in the year..... before me personally cameto me known, who, being by me duly sworn, did depose and say that he resides in (if the place of residence is in a city, include the street and street number, if any, thereof); that he is the (president or other officer or director) of the (name of corporation), the corporation described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

(Signature and office of person taking acknowledgment.)

State of New York)ss.:
County of.....)

On theday of.....in the year.....before me personally cameto me known, who, being by me duly sworn, did depose and say that he resides in(if the place of residence is in a city, include the street and street number, if any, thereof; that he is the (president or other officer or director) of the (name of corporation), the corporation described in and which executed the above instrument; and that he signed his name thereto by order of the board of directors of said corporation.

(Signature and office of person taking acknowledgment.)

§330. Officers guilty of malfeasance liable for damages. An officer authorized to take the acknowledgment or proof of a conveyance or other instrument, or to certify such proof or acknowledgment, or to record the same,

who is guilty of malfeasance or fraudulent practice in the execution of any duty prescribed by law in relation thereto, is liable in damages to the person injured.

§333. When conveyances of real property not to be recorded. ***2. A recording officer shall not record or accept for record any conveyance of real property, unless said conveyance in its entirety and the certificate of acknowledgment or proof and the authentication thereof, other than proper names therein which may be in another language provided they are written in English letters or characters, shall be in the English language, or unless such conveyance, certificate of acknowledgment or proof, and the authentication thereof be accompanied by and have attached thereto a translation in the English language duly executed and acknowledged by the person or persons making such conveyance and proved and authenticated, if need be, in the manner required of conveyances for recording in this state, or, unless such conveyance, certificate of acknowledgment or proof, and the authentication thereof be accompanied by and have attached thereto a translation in the English language made by a person duly designated for such purpose by the county judge of the county where it is desired to record such conveyance or a justice of the supreme court and be duly signed, acknowledged and certified under oath or upon affirmation by such person before such judge, to be a true and accurate translation and contain a certification of the designation of such person by such judge.

DEFINITIONS AND GENERAL TERMS

Acknowledgment — A formal declaration before a duly authorized officer by a person who has executed an instrument that such execution is his act and deed.

Technically, an "acknowledgment" is the declaration of a person described in and who has executed a written instrument, that he executed the same. As commonly used, the term means the certificate of an officer, duly empowered to take an acknowledgment or proof of the conveyance of real property, that on a specified date "before me came to me known to be the individual described in and who executed the foregoing instrument and acknowledged that he executed the same." The purposes of the law respecting acknowledgments are not only to promote the security of land titles and to prevent frauds in conveyancing, but to furnish proof of the due execution of conveyances (*Armstrong v. Combs*, 15 App. Div. 246) so as to permit the document to be given in evidence, without further proof of its execution, and make it a recordable instrument.

The Real Property Law prescribes:

§303. Requisites of acknowledgments. An acknowledgment must not be taken by any officer unless he knows or has satisfactory evidence, that the person making it is the person described in and who executed such instrument."

The thing to be known is the identity of the person making the acknowledgment with the person described in the instrument and the person who executed the same. This knowledge must be possessed by the notary (*Gross v. Rowley*, 147 App. Div. 529), and a notary must not take an acknowledgment unless the notary knows or has proof that

the person making it is the person described in and who executed the instrument (*People v. Kempner*, 49 App. Div. 121). It is not essential that the person who executed the instrument sign his name in the presence of the notary.

Taking acknowledgments over the telephone is illegal and a notary public is guilty of a misdemeanor in so acting. In the certificate of acknowledgment a notary public declares: "On this.....day of..... 19....., before me cameto me known," etc. Unless the person purporting to have made the acknowledgment actually and personally appeared before the notary on the day specified, the notary's certificate that he so came is palpably false and fraudulent. (*Matter of Brooklyn Bar Assoc.*, 225 App. Div. 680.)

Interest as a disqualification. A notary public should not make an acknowledgment to a legal instrument to which the notary is a party in interest. (*Armstrong v. Coombs*, 15 App. Div. 246.)

Fraudulent certificates of acknowledgment. A notary public who knowingly makes a false certificate that a deed or other written instrument was acknowledged by a party thereto is guilty of forgery in the second degree, which is punishable by imprisonment for a term of not exceeding seven years (Penal Law, §§170.10 and 70.00 [2(d)]). The essence of the crime is false certification, intention to defraud. (*People v. Abeel*, 182 N.Y. 415.) While the absence of guilty knowledge or criminal intent would absolve the notary from criminal liability, the conveyance, of which the false certification is an essential part, is a forgery and, therefore, invalid. (*Caccioppoli v. Lemmo*, 152 App. Div. 650.)

Damages recoverable from notary for false certificate. Action for damages sustained where notary certified that grantor had appeared and acknowledged a mortgage. (*Wenz v. Goldsmith*, 231 App. Div. 171.)

Administrator — A person appointed by the court to manage the estate of a deceased person who left no will.

Affiant — The person who makes and subscribes his signature to an affidavit.

Affidavit — An affidavit is a signed statement, duly sworn to by the maker thereof, before a notary public or other officer authorized to administer oaths. The venue, or county wherein the affidavit was sworn to should be accurately stated. But it is of far more importance that the affiant, the person making the affidavit, should have personally appeared before the notary and have made oath to the statements contained in the affidavit as required by law. Under the Penal Law (§210.00) the wilful making of a false affidavit is perjury, but to sustain an indictment therefor, there must have been, in some form, in the presence of an officer authorized to administer an oath, an unequivocal and present act by which the affiant consciously took upon himself the obligation of an oath; his silent delivery of a signed affidavit to the notary for his certificate, is not enough. (*People v. O'Reilly*, 86 N.Y. 154; *People ex rel. Greene v. Swasey*, 122 Misc. 388; *People v. Levitas* (1963) 40 Misc. 2d 331.) A notary public will be removed from office for preparing and taking the oath of an affiant to a statement that the notary knew to be

false. (*Matter of Senft*, August 8, 1929; *Matter of Trotta*, February 20, 1930; *Matter of Kibbe*, December 24, 1931.)

The distinction between the taking of an acknowledgment and an affidavit must be clearly understood. In the case of an acknowledgment, the notary public certifies as to the identity and execution of a document; the affidavit involves the administration of an oath to the affiant. There are certain acknowledgment forms which are a combination of an acknowledgment and affidavit. It is incumbent on the notary public to scrutinize each document presented to him and to ascertain the exact nature of the notary's duty with relation thereto.

An affidavit differs from a deposition in that an affidavit is an ex parte statement. (*See definition of Deposition.*)

Affirmation — A solemn declaration made by persons who conscientiously decline taking an oath; it is equivalent to an oath and is just as binding; if a person has religious or conscientious scruples against taking an oath, the notary public should have the person affirm. The following is a form of affirmation: "You do solemnly, sincerely, and truly, declare and affirm that the statements made by you are true and correct."

Apostile — Department of State authentication attached to a notarized and county-certified document for possible international use.

Attest — To witness the execution of a written instrument, at the request of the person who makes it, and subscribe the same as a witness.

Authentication (Notarial) — A certificate subjoined by a county clerk to any certificate of proof or acknowledgment or oath signed by a notary; this county clerk's certificate authenticates or verifies the authority of the notary public to act as such. (See section 133, Executive Law.)

Bill of Sale — A written instrument given to pass title of personal property from vendor to vendee.

Certified Copy — A copy of a public record signed and certified as a true copy by the public official having custody of the original. A notary public has no authority to issue certified copies.

Notaries must not certify to the authenticity of legal documents and other papers required to be filed with foreign consular officers. Within this prohibition are certificates of the following type:

"United States of America }
State of New York } ss.:
County of New York }

"I....., a notary public of the State of New York, in and for the county of....., duly commissioned, qualified and sworn according to the laws of the State of New York, do hereby certify and declare that I verily believe the annexed instrument executed by and sworn to before a notary public of the State of to be genuine in every respect, and that full faith and credit are and ought to be given thereto.

"In testimony whereof I have hereunto set my hand and seal at the City of this day of 19.....

(Seal)

(Notarial Signature)."

Concerning such a notarial certificate it has been held:

"The law has made specific provisions for the manner in which papers may be certified as to authenticity and originality. While in this individual case there may be no indication of deceiving nor any deception, nevertheless it is a practice which may become subject to deception and therefore the requirements as laid down by the law for the conduct of notaries should be most strictly enforced." (Op. Atty. Gen.)

The making of a useless certificate and the collection of a fee therefore, by a notary public, after the notary has had official warning against such practices, justifies a conclusion of misconduct which warrants the notary's removal from office. (Op. Atty. Gen., May 26, 1931.) But a notarial certificate that an attached copy of a paper is a true and exact copy of the original document is not within the ban of the last mentioned opinion, for the reason that while this form of certificate does not permit the copy of the paper to be read in evidence, it might be accepted by certain persons as sufficient proof of the correctness of the copy and, accordingly, it cannot be said to be entirely valueless. (Op. Atty. Gen., Aug. 22, 1933.)

Chattel — Personal property, such as household goods or fixtures.

Chattel Paper — A writing or writings which evidence both an obligation to pay money and a security interest in a lease or specific goods. The agreement which creates or provides for the security interest is known as a security agreement.

Codcill — An instrument made subsequent to a will and modifying it in some respects.

Consideration — Anything of value given to induce entering into a contract; it may be money, personal services, or even love and affection.

Contempt of Court — Behavior disrespectful of the authority of a court which disrupts the execution of court orders.

Contract — An agreement between competent parties to do or not to do certain things for a legal consideration, whereby each party acquires a right to what the other possesses.

Conveyance (deed) — Every instrument, in writing, except a will, by which any estate or interest in real property is created, transferred, assigned or surrendered.

County Clerk's Certificate — See "Authentication (Notarial)."

Deponent — One who makes oath to a written statement. Technically, a person subscribing a deposition but used interchangeably with "Affiant."

Deposition — The testimony of a witness taken out of court or other hearing proceeding, under oath or by affirmation, before a notary public or other person, officer or commissioner before whom such testimony is authorized by law to be taken, which is intended to be used at the trial or hearing.

Duress — Unlawful constraint exercised upon a person whereby he is forced to do some act against his will.

Escrow — The placing of an instrument in the hands of a person as a depository who on the happening of a designated event, is to deliver the instrument to a third person. This agreement, once established, should be unalterable.

Executor — One named in a will to carry out the provisions of the will.

Ex parte (from one side only) — A hearing or examination in the presence of, or on papers filed by, one party and in the absence of the other.

Felony — A crime punishable by death or imprisonment in a state prison.

Guardian — A person in charge of a minor's person or property.

Judgment — Decree of a court declaring that one individual is indebted to another and fixing the amount of such indebtedness.

Jurat — A jurat is that part of an affidavit where the officer (notary public) certifies that it was sworn to before him. It is not the affidavit.

The following is the form of jurat generally employed:

"Sworn to before me this
.....day of....., 19....."

Those words placed directly after the signature in the affidavit stating that the facts therein contained were sworn to or affirmed before the officer (notary public) together with his official signature and such other data as required by section 137 of the Executive Law.

Laches — The delay or negligence in asserting one's legal rights.

Lease — A contract whereby, for a consideration, usually termed rent, one who is entitled to the possession of real property transfers such right to another for life, for a term of years or at will.

Lien — A legal right or claim upon a specific property which attaches to the property until a debt is satisfied.

Litigation — The act of carrying on a lawsuit.

Misdemeanor — Any crime other than a felony.

Mortgage on Real Property — An instrument in writing, duly executed and delivered that creates a lien upon real estate as security for the payment of a specified debt, which is usually in the form of a bond.

Notary Public — A public officer who executes acknowledgments of deeds or writings in order to render them available as evidence of the facts therein contained; administers oaths and affirmations as to the truth of statements contained in papers or documents requiring the administration of an oath. The notary's general authority is defined in section 135 of the Executive Law; the notary has certain other powers which can be found in the various provisions of law set forth earlier in this publication.

Oath — A verbal pledge given by the person taking it that his statements are made under an immediate sense of his responsibility to God, who will punish the affiant if the statements are false.

Notaries public must administer oaths and affirmations in manner and form as prescribed by the Civil Practice Law and Rules, namely:

§2309(b) Form. An oath or affirmation shall be administered in a form calculated to awaken the conscience and impress the mind of the person taking it in accordance with his religious or ethical beliefs.

An oath must be administered as required by law. The person taking the oath must personally appear before the notary; an oath cannot be administered over the telephone (*Matter of Napolis*, 169 App. Div. 469), and the oath must be administered in the form required by the statute (*Bookman v. City of New York*, 200 N.Y. 53, 56).

When an oath is administered the person taking the oath must express assent to the oath repeated by the notary by the words "I do" or some other words of like meaning.

For an oath or affirmation to be valid, whatever form is adopted, it is necessary that: first, the person swearing or affirming must personally be in the presence of the notary public; secondly, that the person unequivocally swears or affirms that what he states is true; thirdly, that he swears or affirms as of that time; and, lastly, that the person conscientiously takes upon himself the obligation of an oath.

A notary public does not fulfill his duty by merely asking a person whether the signature on a purported affidavit is his. An oath must be administered.

A corporation or a partnership cannot take an oath; an oath must be taken by an individual.

A notary public cannot administer an oath to himself.

The privileges and rights of a notary public are personal and cannot be delegated to anyone.

Plaintiff — A person who starts a suit or brings an action against another.

Power of Attorney — A written statement by an individual giving another person the power to act for him.

Proof — The formal declaration made by a subscribing witness to the execution of an instrument setting forth his place of residence, that he knew the person described in and who executed the instrument and that he saw such person execute such instrument.

Protest — A formal statement in writing by a notary public, under seal, that a certain bill of exchange or promissory note was on a certain day presented for payment, or acceptance, and that such payment or acceptance was refused.

Seal — The laws of the State of New York do not require the use of seals by notaries public. If a seal is used, it should sufficiently identify the notary public, his authority and jurisdiction. It is the opinion of the Department of State that the only inscription required is the name of the notary and the words "Notary Public for the State of New York."

Signature of Notary Public — A notary public must sign the name under which he was appointed and no other. In addition to his signature and venue, the notary public shall print, typewrite or stamp beneath his signature in black ink, his name, the words "Notary Public State of New York," the name of the county in which he is qualified.

and the date upon which his commission expires (section 137, Executive Law).

When a woman notary marries during the term of office for which she was appointed, she may continue to use her maiden name as notary public. However, if she elects to use her marriage name, then for the balance of her term as a notary public she must continue to use her maiden name in her signature and seal when acting in her notarial capacity, adding after her signature her married name, in parentheses. When renewing her commission as a notary public, she may apply under her married name or her maiden name. She must then perform all her notarial functions under the name selected.

A member of a religious order, known therein by a name other than his secular cognomen, may be appointed and may officiate as a notary public under the name by which he is known in religious circles. (Op. Atty. Gen., Mar. 20, 1930.)

Statute — A law established by an act of the Legislature.

Statute of Frauds — State law which provides that certain contracts must be in writing or partially complied with, in order to be enforceable at law.

Statute of Limitations — A law that limits the time within which a criminal prosecution or a civil action must be started.

Subordination Clause — A clause which permits the placing of a mortgage at a later date which takes priority over an existing mortgage.

Sunday — A notary public may administer an oath or take an affidavit or acknowledgment on Sunday. However, a deposition cannot be taken on Sunday in a civil proceeding.

Swear — This term includes every mode authorized by law for administering an oath.

Taking an Acknowledgment — The act of the person named in an instrument telling the notary public that he is the person named in the instrument and acknowledging that he executed such instrument; also includes the act of the notary public in obtaining satisfactory evidence of the identity of the person whose acknowledgment is taken.

The notary public "certifies to the taking of the acknowledgment" when the notary signs his official signature to the form setting forth the fact of the taking of the acknowledgment.

Venue — The geographical place where a notary public takes an affidavit or acknowledgment. Every affidavit or certificate of acknowledgment should show on its face the venue of the notarial act. The venue is usually set forth at the beginning of the instrument or at the top of the notary's jurat, or official certification, as follows: "State of New York, County of (New York) ss.:". Section 137 of the Executive Law imposes the duty on the notary public to include the venue of his act in all certificates of acknowledgments or jurats to affidavits.

Will — The disposition of one's property to take effect after death.

HOW TO TAKE A TEST

I. YOU MUST PASS AN EXAMINATION

A. WHAT EVERY CANDIDATE SHOULD KNOW

Examination applicants often ask us for help in preparing for the written test. What can I study in advance? What kinds of questions will be asked? How will the test be given? How will the papers be graded?

As an applicant for a civil service examination, you may be wondering about some of these things. Our purpose here is to suggest effective methods of advance study and to describe civil service examinations.

Your chances for success on this examination can be increased if you know how to prepare. Those "pre-examination jitters" can be reduced if you know what to expect. You can even experience an adventure in good citizenship if you know why civil service examinations are given.

B. WHY ARE CIVIL SERVICE EXAMINATIONS GIVEN?

Civil service examinations are important to you in two ways. As a citizen, you want public jobs filled by employees who know how to do their work. As a job-seeker, you want a fair chance to compete for that job on an equal footing with other candidates. The best known means of accomplishing this two-fold goal is the competitive examination.

Examinations are widely publicized throughout the nation. They may be administered for jobs in federal, state, city, municipal, town, or village governments or agencies.

Any citizen may apply, with some limitations, such as the age or residence of applicants. Your experience and education may be reviewed to see whether you meet the requirements for the particular examination. When these requirements exist, they are reasonable and are applied consistently to all applicants. Thus, a competitive examination may cause you some uneasiness now, but it is your privilege and safeguard.

C. HOW ARE CIVIL SERVICE EXAMINATIONS DEVELOPED?

Examinations are carefully written by trained technicians who are specialists in the field known as "psychological measurement," in consultation with recognized authorities in the field of work that the test will cover. These experts recommend the subject matter areas or skills to be tested; only those knowledges or skills important to your success on the job are included. The most reliable books and source materials available are used as references. Together, the experts and technicians judge the difficulty level of the questions.

Test technicians know how to phrase questions so that the problem is clearly stated. Their ethics do not permit "trick" or "catch" questions. Questions may have been tried out on sample groups, or subjected to statistical analysis, to determine their usefulness.

Written tests are often used in combination with performance tests, ratings of training and experience, and oral interviews. All of these measures combine to form the best known means of finding the right man for the right job.

II. HOW TO PASS THE WRITTEN TEST

A. NATURE OF THE EXAMINATION

To prepare intelligently for civil service examinations, you should know how they differ from school examinations you have taken. In school you were assigned certain definite pages to read or subjects to cover. The examination questions were quite detailed and usually emphasized memory. Civil service examinations, on the other hand, try to discover your present ability to perform the duties of a position, plus your potentiality to learn these duties. In other words, a civil service examination attempts to predict how successful you will be. Questions cover such a broad area that they cannot be as minute and detailed as school examination questions.

In the public service similar kinds of work, or positions, are grouped together in one "class." This process is known as "position-classification." All the positions in a class are paid according to the salary range for that class. One class title covers all these positions, and they are all tested by the same examination.

B. FOUR BASIC STEPS

1. Study the Announcement.--How, then, can you know what subjects to study? Our best answer is: "Learn as much as possible about the class of positions for which you have applied." The examination will test the knowledge, skills, and abilities needed to do the work.

Your most valuable source of information about the position you want is the official announcement of the examination. This announcement lists the training and experience qualifications. Check these standards and apply only if you come reasonably close to meeting them.

The brief description of the position in the examination announcement offers some clues to the subjects which will be tested. Think about the job itself. Review the duties in your mind. Can you perform them, or are there some in which you are rusty? Fill in the blank spots in your preparation.

Many jurisdictions preview the written test in the examination announcement by including a section called "Knowledge and Abilities Required," "Scope of Examination," or some similar heading. Here you will find out specifically what fields will be tested.

2. Review Your Own Background.-- Once you learn in general what the position is all about, and what you need to know to do the work, ask yourself which subjects you already know fairly well and which need improvement. You may wonder whether to concentrate on improving your strong areas or on building some background in your fields of weakness. When the announcement has specified "some knowledge" or "considerable knowledge," or has used adjectives such as "beginning principles of" or "advanced methods," you can get a clue as to the number and difficulty of questions to be asked in any given field. More questions, and hence broader coverage, would be included for those subjects which are more important in the work. Now weigh your strengths and weaknesses against the job requirements and prepare accordingly.

3. Determine the Level of the Position.-- Another way to tell how intensively you should prepare is to understand the level of the job for which you are applying. Is it the entering level? In other words is this the position in which beginners in a field of work are hired Or is it an intermediate or advanced level? Sometimes this is indicated by such words as "Junior" or "Senior" in the class title. Other jurisdictions use Roman numerals to designate the level: Clerk I,

Clerk II, for example. The word "Supervisor" sometimes appears in the title. If the level is not indicated by the title, check the description of duties. Will you be working under very close supervision, or will you have responsibility for independent decisions in this work?

4. Choose Appropriate Study Materials.-- Now that you know the subjects to be examined and the relative amount of each subject to be covered, you can choose suitable study materials. For beginning level jobs, or even advanced ones, if you have a pronounced weakness in some aspect of your training, read a modern, standard textbook in that field. Be sure it is up-to-date and has general coverage. Such books are normally available at your library, and the librarian will be glad to help you locate one. For entry level positions, questions of appropriate difficulty are chosen -- neither highly advanced questions, nor those too simple. Such questions require careful thought but not advanced training.

If the position for which you are applying is technical or advanced, you will read more advanced, specialized material. If you are already familiar with the basic principles of your field, elementary textbooks would waste your time. Concentrate on advanced textbooks and technical periodicals. Think through the concepts and review difficult problems in your field.

These are all general sources. You can get more ideas on your own initiative, following these leads. For example, training manuals and publications of the government agency which employs workers in your field can be useful, particularly for technical and professional positions. A letter or visit to the government department involved may result in more specific study suggestions, and certainly will provide you with a more definite idea of the exact nature of the position you are seeking.

III. KINDS OF TESTS

Tests are used for purposes other than measuring knowledge and ability to perform specified duties. For some positions, it is equally important to test ability to make adjustments to new situations or to profit from training. In others, basic mental abilities not dependent upon information are essential. Questions which test these things may not appear as pertinent to the duties of the position as those which test for knowledge and information. Yet they are often highly important parts of a fair examination. For very general questions, it is almost impossible to help you direct your study efforts. What we can do is to point out some of the more common of these general abilities needed in public service positions and describe some typical questions.

1. General Information

Broad, general information has been found useful for predicting job success in some kinds of work. This is tested in a variety of ways, from vocabulary lists to questions about current events. Basic background in some field of work, such as sociology or economics, may be sampled in a group of questions. Often these are principles which have become familiar to most persons through "exposure" rather than through formal training. It is difficult to advise you how to study for these questions; being alert to the world around you is our best suggestion.

2. Verbal Ability

An example of an ability needed in many positions is verbal or language ability. Verbal ability is, in brief, the ability to use and understand words. Vocabulary and grammar tests are typical measures of this ability. "Reading comprehension" or "paragraph interpretation" questions are common in many kinds of civil service tests. You are given a paragraph of written material and asked to find its central meaning.

3. Numerical Ability

Number skills can be tested by the familiar arithmetic problem, by checking paired lists of numbers to see which are alike and which are different, or by interpreting charts and graphs. In the latter test, a graph may be printed in the test booklet which you are asked to use as the basis for answering questions.

4. Observation

A popular test for law-enforcement positions is the observation test. A picture is shown to you for several minutes, then taken away. Questions about the picture test your ability to observe both details and larger elements.

5. Following Directions

In many positions in the public service, the employee must be able to carry out written instructions dependably and accurately. You may be given a chart with several columns, each column listing a variety of information. The questions require you to carry out directions involving the information given in the chart.

6. Skills and Aptitudes

Performance tests effectively measure some manual skills and aptitudes. When the skill is one in which you are trained, such as typing or shorthand, you can practice. These tests are often very much like those given in business school or high school courses. For many of the other skills and aptitudes, however, no short-time preparation can be made. Skills and abilities natural to you or that you have developed throughout your lifetime are being tested.

Many of the general questions just described provide all the data needed to answer the questions and ask you to use your reasoning ability to find the answers. Your best preparation for these tests, as well as for tests of facts and ideas, is to be at your physical and mental best. You, no doubt, have your own methods of getting into an exam-taking mood and keeping "in shape." The next section lists some ideas on this subject.

IV. KINDS OF QUESTIONS

Only rarely is the "essay" question, which you answer in narrative form, used in civil service tests. Civil service tests are usually of the short-answer type. Full instructions for answering these questions will be given to you at the examination. But in case this is your first experience with short-answer questions and separate answer sheets, here is what you need to know.

1. Multiple-Choice Questions

Most popular of the short-answer questions is the "multiple-choice" or "best-answer" question. It can be used, for example, to test for factual knowledge, ability to solve problems, or judgment in meeting situations found at work.

A multiple-choice question is normally one of three types:

(1) It can begin with an incomplete statement followed by several possible endings. You are to find the one ending which *best* completes the statement, although some of the others may not be entirely wrong.

(2) It can also be a complete statement in the form of a question which is answered by choosing one of the statements listed.

(3) It can be in the form of a problem -- again you select the best answer.

Here is an example of a multiple-choice question with a discussion which should give you some clues as to the method for choosing the right answer.

SAMPLE QUESTION:

When an employee has a complaint about his assignment, the action which will *best* help him overcome his difficulty is

(A) to discuss his difficulty with his co-workers

(B) to take the problem to the head of the organization

(C) to take the problem to the person who gave him the assignment

(D) to say nothing to anyone about his complaint

In answering this question you should study each of the choices to find which is best. Consider choice (A). Certainly an employee may discuss his complaint with fellow employees, but no change or improvement can result, and the complaint remains unsolved. Choice (B) is a poor choice since the head of the organization probably does not know what assignment you have been given, and taking your problem to him is known as "going over the head" of the supervisor. The supervisor, or person who made the assignment, is the person who can clarify it or correct any injustice. Choice (C) is, therefore, correct. To say nothing, as in choice (D), is unwise. Supervisors have an interest in knowing the problems employees are facing, and the employee is seeking a solution to his problem.

2. True-False Questions

The "true-false" or "right-wrong" form of question is sometimes used. Here a complete statement is given. Your problem is to decide whether the statement is right or wrong.

SAMPLE QUESTION:

A person-to-person long distance telephone call costs less than a station-to-station call to the same city.

This question is wrong, or "false," since person-to-person calls are more expensive.

This is not a complete list of all possible question forms, although most of the others are variations of these common types. You will always get complete directions for answering questions. Be sure you understand *how* to mark your answers -- ask questions until you *do*.

V. RECORDING YOUR ANSWERS

For an examination with very few applicants, you may be told to record your answers in the test booklet itself. Separate answer sheets are much more common. If this separate answer sheet is to be scored by machine -- and this is often the case -- it is highly important that you mark your answers correctly in order to get credit.

An electric test-scoring machine is often used in civil service offices because of the speed with which papers can be scored. Machine-scored answer sheets must be marked with a special pencil, which will be given to you. This pencil has a high graphite content which responds to the electrical scoring machine. As a matter of fact, stray dots may register as answers, so do not let your pencil rest on the answer sheet while you are pondering the correct answer. Also, if your pencil lead breaks or is otherwise defective, ask for another.

Since the answer sheet will be dropped in a slot in the scoring machine, be careful not to bend the corners or get the paper crumpled.

The answer sheet normally has five vertical columns of numbers, with 30 numbers to a column. These numbers correspond to the question numbers in your test booklet. After each number, going across the page, are four or five pairs of dotted lines. These short dotted lines have small letters or numbers above them. The first two pairs may also have a "T" and "F" above the letters. This indicates that the first two pairs only are to be used if the questions are of the true-false type. If the questions are multiple-choice, disregard this "T" and "F" completely, and pay attention only to the small number or letters.

Answer your questions in the manner of the sample that follows. Proceed in the sequential steps outlined below.

Assume that you are answering question 32, which is:

32. The largest city in the United States is:

- A. Washington, D.C. B. New York City C. Chicago
D. Detroit E. San Francisco

1. Choose the answer you think is best.

New York City is the largest, so choice B is correct.

2. Find the row of dotted lines numbered the same as the question you are answering.

This is question number 32, so find row number 32.

3. Find the pair of dotted lines corresponding to the answer you have chosen.

You have chosen answer B, so find the pair of dotted lines marked "B".

4. Make a solid black mark between the dotted lines.

Go up and down two or three times with your pencil so plenty of graphite rubs off, but do not let the mark get outside or above the dots.

	T	F	C	D	E
29					
	A	B	C	D	E
30					
	A	B	C	D	E
31					
	A	B	C	D	E
32		█			
	A	B	C	D	E
33					

VI. BEFORE THE TEST

Common sense will help you find procedures to follow to get ready for an examination. Too many of us, however, overlook these sensible measures. Indeed, nervousness and fatigue have been found to be the most serious reasons why applicants fail to do their best on civil service tests. Here is a list of reminders.

1. **Begin Your Preparation Early**
Don't wait until the last minute to go scurrying around for books and materials or to find out what the position is all about.
2. **Prepare Continuously**
An hour a night for a week is better than an all-night cram session. This has been definitely established. What is more, a night a week for a month will return better dividends than crowding your study into a shorter period of time.
3. **Locate the Place of the Examination**
You have been sent a notice telling you when and where to report for the examination. If the location is in a different town or otherwise unfamiliar to you, it would be well to inquire the best route and learn something about the building.
4. **Relax the Night Before the Test**
Allow your mind to rest. Do not study at all that night. Plan some mild recreation or diversion; then go to bed early and get a good night's sleep.
5. **Get Up Early Enough to Make a Leisurely Trip to the Place for the Test**
Then unforeseen events, traffic snarls, unfamiliar buildings, will not upset you.
6. **Dress Comfortably**
A written test is not a fashion show. You will be known by number and not by name, so wear something comfortable.
7. **Leave Excess Paraphernalia at Home**
Shopping bags and odd bundles will get in your way. You need bring only the items mentioned in the official notice sent to you; usually everything you need is provided. Do not bring reference books to the examination. They will only confuse those last minutes and be taken away from you when in the test room.
8. **Arrive Somewhat Ahead of Time**
If because of transportation schedules you must get there very early, bring a newspaper or magazine to take your mind off yourself while waiting.
9. **Locate the Examination Room**
When you have found the proper room, you will be directed to the seat or part of the room where you will sit. Sometimes you are given a sheet of instructions to read while you are waiting. Do not fill out any forms until you are told to do so; just read them and be ready.
10. **Relax and Prepare to Listen to the Instructions**
11. **If you have any physical problem that may keep you from doing your best, be sure to tell the test administrator. If you are sick, or in poor health, you really cannot do your best on the test. You can come back and take the test some other time.**

VII. AT THE TEST

The day of the test is here and you have the test booklet in your hand. The temptation to get going is very strong. Caution! There is more to success than knowing the right answers. You must know how to identify your papers and understand variations in the type of short-answer question used in this particular examination. Follow these suggestions for maximum results from your efforts:

1. Cooperate with the Monitor

The test administrator has a duty to create a situation in which you can be as much at ease as possible. He will give instructions, tell you when to begin, check to see that you are marking your answer sheet correctly. He is not there to guard you, although he will see that your competitors do not take unfair advantage. He wants to help you do your best.

2. Listen to All Instructions

Don't jump the gun! Wait until you understand all directions. In most civil service tests you get more time than you need to answer the questions. So don't get in a hurry. Read each word of instructions until you clearly understand the meaning. Study the examples. Listen to all announcements. Follow directions. Ask questions if you do not understand what to do.

3. Identify Your Papers

Civil service examinations are usually identified by number only. You will be assigned a number; you must not put your name on your test papers. Be sure to copy your number correctly. Since more than one examination may be given, copy your exact examination title.

4. Plan Your Time

Unless you are told that a test is a "speed" or "rate-of-work" test, speed itself is not usually important. Time enough to answer all the questions will be provided. But this does not mean that you have all day. An overall time limit has been set. Divide the total time (in minutes) by the number of questions to get the approximate time you have for each question.

5. Do Not Linger Over Difficult Questions

If you come across a difficult question, mark it with a paper clip (useful to have along) and come back to it when you have been through the booklet. One caution if you do this -- be sure to skip a number on your answer sheet too. Check often to be sure that you have not lost your place and that you are marking in the row numbered the same as the question you are answering.

6. Read the Questions

Be sure you know what the question asks! Many capable people are unsuccessful because they failed to read the questions correctly.

7. Answer All Questions

Unless you have been instructed that a penalty will be deducted for incorrect answers, it is better to guess than to omit a question.

8. Speed Tests

It is often better not to guess on speed tests. It has been found that on timed tests people are tempted to spend the last few seconds before time is called in marking answers at random -- without even reading them -- in the hope of picking up a few extra points. To discourage this practice, the instructions may warn you that your score will be "corrected" for guessing. That is, a penalty will be applied. The incorrect answers will be deducted from the correct ones, or some other penalty formula will be used.

9. Review Your Answers

If you finish before time is called, go back to the questions you guessed or omitted to give further thought to them. Review other answers if you have time.

10. Return Your Test Materials

If you are ready to leave before others have finished or time is called, take *all* your materials to the monitor and leave quietly. Never take any test material with you. The monitor can discover whose papers are not complete, and taking a test booklet may be grounds for disqualification.

VIII. EXAMINATION TECHNIQUES

1. Read the *general* instructions carefully. These are usually printed on the first page of the examination booklet. As a rule, these instructions refer to the timing of the examination; the fact that you should not start work until the signal and must stop work at a signal, etc. If there are any *special* instructions, such as a choice of questions to be answered, make sure that you note this instruction carefully.

2. When you are ready to start work on the examination, that is as soon as the signal has been given, read the instructions to each question booklet, underline any key words or phrases, such as *least*, *best*, *outline*, *describe*, and the like. In this way you will tend to answer as requested rather than discover on reviewing your paper that you *listed without describing*, that you selected the *worst* choice rather than the *best* choice, etc.

3. If the examination is of the objective or so-called multiple-choice type, that is, each question will also give a series of possible answers: A, B, C, or D, and you are called upon to select the best answer and write the letter next to that answer on your answer paper, it is advisable to start answering each question in turn. There may be anywhere from 50 to 100 such questions in the three or four hours allotted and you can see how much time would be taken if you read through all the questions before beginning to answer any. Furthermore, if you come across a question or a group of questions which you know would be difficult to answer, it would undoubtedly affect your handling of all the other questions.

4. If the examination is of the essay-type and contains but a few questions, it is a moot point as to whether you should read all the questions before starting to answer any one. Of course if you are given a choice, say five out of seven and the like, then it is essential to read all the questions so you can eliminate the two which are most difficult. If, however, you are asked to answer all the questions, there may be danger in trying to answer the easiest one first because you may find that you will spend too much time on it. The best technique is to answer the first question, then proceed to the second, etc.

5. Time your answers. Before the examination begins, write down the time it started, then add the time allowed for the examination and write down the time it must be completed, then divide the time available somewhat as follows:

(a) If $3\frac{1}{2}$ hours are allowed, that would be 210 minutes. If you have 80 objective-type questions, that would be an average of $2\frac{1}{2}$ minutes per question. Allow yourself no more than 2 minutes per question, or a total of 160 minutes, which will permit about 50 minutes to review.

(b) If for the time allotment of 210 minutes, there are 7 essay questions to answer, that would average about 30 minutes a question. Give yourself only 25 minutes per question so that you have about 35 minutes to review.

6. The most important instruction is to *read each question* and make sure you know what is wanted. The second most important instruction is to *time yourself properly* so that you answer every question. The third most important instruction is to *answer every question*. Guess if you have to but include something for each question. Remember that you will receive no credit for a blank and will probably receive some credit if you write something in answer to an essay question. If you guess a letter, say "B" for a multiple-choice question, you may have guessed right. If you leave a blank as the answer to a multiple-choice question, the examiners may respect your feelings but it will not add a point to your score.

7. Suggestions

a. Objective-Type Questions

- (1) Examine the question booklet for proper sequence of pages and questions.
- (2) Read all instructions carefully.
- (3) Skip any question which seems too difficult; return to it after all other questions have been answered.
- (4) Apportion your time properly; do not spend too much time on any single question or group of questions.
- (5) Note and underline key words -- *all, most, fewest, least, best, worst, same, opposite*.
- (6) Pay particular attention to negatives.
- (7) Note unusual option, e.g., unduly long, short, complex, different or similar in content to the body of the question.
- (8) Observe the use of "hedging" words -- *probably, may, most likely, etc.*
- (9) Make sure that your answer is put next to the same number as the question.
- (10) Do not second-guess unless you have good reason to believe the second answer is definitely more correct.
- (11) Cross out original answer if you decide another answer is more accurate; do not erase.
- (12) Answer all questions; guess unless instructed otherwise.
- (13) Leave time for review.

b. Essay-Type Questions

- (1) Read each question carefully.
- (2) Determine exactly what is wanted. Underline key words or phrases.
- (3) Decide on outline or paragraph answer.
- (4) Include many different points and elements unless asked to develop any one or two points or elements.
- (5) Show impartiality by giving pros and cons unless directed to select one side only.
- (6) Make and write down any assumptions you find necessary to answer the question.
- (7) Watch your English, grammar, punctuation, choice of words.
- (8) Time your answers; don't crowd material.

8. Answering the Essay Question

Most essay questions can be answered by framing the specific response around several key words or ideas. Here are a few such key words or ideas:

M's: manpower, materials, methods, money, management;
P's: purpose, program, policy, plan, procedure, practice,
problems, pitfalls, personnel, public relations.

a. Six Basic Steps in Handling Problems:

- (1) Preliminary plan and background development
- (2) Collect information, data and facts
- (3) Analyze and interpret information, data and facts
- (4) Analyze and develop solutions as well as make recommendations
- (5) Prepare report and sell recommendations
- (6) Install recommendations and follow up effectiveness

b. Pitfalls to Avoid

- (1) *Taking things for granted*

A statement of the situation does not necessarily imply that each of the elements is necessarily true; for example, a complaint may be invalid and biased so that all that can be taken for granted is that a complaint has been registered.

- (2) *Considering only one side of a situation*

Wherever possible, indicate several alternatives and then point out the reasons you selected the best one.

- (3) *Failing to indicate follow-up*

Whenever your answer indicates action on your part, make certain that you will take proper follow-up action to see how successful your recommendations, procedures, or actions turn out to be.

- (4) *Taking too long in answering any single question*

Remember to time your answers properly.

IX. AFTER THE TEST

Scoring procedures differ in detail among civil service jurisdictions although the general principles are the same. Whether the papers are hand-scored or graded by the electric scoring machine, we have described, they are nearly always graded by number. That is, the person who marks the paper knows only the number -- never the name -- of the applicant. Not until all the papers have been graded will they be matched with names. If other tests, such as training and experience or oral interview ratings have been given, scores will be combined. Different parts of the examination usually have different weights. For example, the written test might count 60 percent of the final grade, and a rating of training and experience 40 percent. In many jurisdictions, veterans will have a certain number of points added to their grades.

After the final grade has been determined, the names are placed in grade order and an eligible list is established. There are various methods for resolving ties between those who get the same final grade: probably the most common is to place first the name of the person whose application was received first. Job offers are made from the eligible list in the order the names appear on it.

You will be notified of your grade and your rank order as soon as all these computations have been made. This will be done as rapidly as possible.

People who are found to meet the requirements in the announcement are called "eligibles." Their names are put on a list of eligibles. An eligible's chances of getting a job depend on how high he stands on this list and how fast agencies are filling jobs from the list.

When a job is to be filled from a list of eligibles, the agency asks for the names of people on the list of eligibles for that job.

When the civil service commission receives this request, it sends to the agency the names of the three people highest on the list. Or, if the job to be filled has specialized requirements, the office sends the agency, from the general list, the names of the top three persons who meet those requirements.

The appointing officer makes a choice from among the three people whose names were sent to him. If the selected person accepts the appointment, the names of the others are put back on the list to be considered for future openings.

That is the rule in hiring from all kinds of eligible lists, whether they are for typist, carpenter, chemist, or something else. For every vacancy, the appointing officer has his choice of any one of the top three eligibles on the list. This explains why the person whose name is on top of the list sometimes does not get an appointment when some of the persons lower on the list do. If the appointing officer chooses the No.2 or No.3 eligible, the No.1 eligible does not get a job at once, but stays on the list until he is appointed or the list is terminated.

X. HOW TO PASS THE INTERVIEW TEST

The examination for which you applied requires an oral interview test. You have already taken the written test and you are now being called for the interview test -- the final part of the formal examination.

You may think that it is not possible to prepare for an interview test and that there are no procedures to follow during an interview.

Our purpose is to point out some things you can do in advance that will help you and some good rules to follow and pitfalls to avoid while you are being interviewed.

A. WHAT IS AN INTERVIEW SUPPOSED TO TEST?

The written examination is designed to test the technical knowledge and competence of the candidate; the oral is designed to evaluate intangible qualities, not readily measured otherwise, and to establish a list showing the relative fitness of each candidate, *as measured against his competitors*, for the position sought. Scoring is not on the basis of "right" or "wrong," but on a sliding scale of values ranging from "not passable" to "outstanding." As a matter of fact, it is possible to achieve a relatively low score without a single "incorrect" answer because of evident weakness in the qualities being measured,

Occasionally, an examination may consist entirely of an oral test -- either an individual or a group oral. In such cases, information is sought concerning the technical knowledges and abilities of the candidate, since there has been no written examination for this purpose. More commonly, however, an oral test is used to supplement a written examination.

B. WHO CONDUCTS INTERVIEWS?

The composition of oral boards varies among different jurisdictions. In nearly all, a representative of the personnel department serves as chairman. One of the members of the board may be a representative of the department in which the candidate would work. In some cases, "outside experts" are used, and frequently a business man or some other representative of the general public is asked to

serve. Labor and management or other special groups may be represented. The aim is to secure the services of experts in the appropriate field.

However the board is composed, it is a good idea (and not at all improper or unethical) to ascertain in advance of the interview who the members are and what groups they represent. When you are introduced to them, you will have some idea of their backgrounds and interests, and at least you will not stutter and stammer over their names.

C. WHAT TO DO BEFORE THE INTERVIEW

While knowledge about the board members is useful and takes some of the surprise element out of the interview, there is other preparation which is more substantive. It is possible to prepare for an oral -- in several ways:

1. Keep a Copy of Your Application and Review it Carefully Before the Interview

This may be the only document before the oral board, and the starting point of the interview. Know what experience and education you have listed there, and the sequence and dates of it. Sometimes the board will ask *you* to review the highlights of your experience for them; you should not have to hem and haw doing it.

2. Study the Class Specification and the Examination Announcement

Usually, the oral board has one or both of these to guide them. The qualities, characteristics, or knowledges required by the position sought are stated in these documents. They offer valuable clues as to the nature of the oral interview. For example, if the job involves supervisory responsibilities, the announcement will usually indicate that knowledge of modern supervisory methods and the qualifications of the candidate, as a supervisor will be tested. If so, you can expect such questions, frequently in the form of a hypothetical situation which you are expected to solve. *Never* go into an oral without knowledge of the duties and responsibilities of the job you seek.

3. Think Through Each Qualification Required

Try to visualize the kind of questions *you* would ask if you were a board member. How well could you answer them? Try especially to appraise your own knowledge and background in each area, *measured against the job sought*, and identify any areas in which you are weak. Be critical and realistic -- do not flatter yourself.

4. Do Some General Reading in Areas in Which You Feel You May be Weak

For example, if the job involves supervision and your past experience has *not*, some general reading in supervisory methods and practices, particularly in the field of human relations, might be useful. *Do not* study agency procedures or detailed manuals. The oral board will be testing your understanding and capacity, *not* your memory.

5. Get a Good Night's Sleep and Watch Your General Health and Mental Attitude

You will want a clear head at the interview. Take care of a cold or other minor ailment, and, of course, *no hangovers*.

D. WHAT TO DO THE DAY OF THE INTERVIEW

Now comes the day of the interview itself. Give yourself plenty of time to get there. Plan to arrive somewhat ahead of the scheduled time, particularly if your appointment is in the fore part of the day. If a previous candidate fails to appear, the board might be ready for you a bit early. By early afternoon an oral board is almost invariably behind schedule if there are many candidates, and you may have to wait. Take along a book or magazine to read, or your application to review. But leave any extraneous material in the waiting room when you go in for your interview. In any event, relax and compose yourself.

The matter of dress is important. The board is forming impressions about you -- from your experience, your manners, your attitudes, and from your appearance. Give your personal appearance careful attention. Dress your *best*, but not your flashiest. Choose conservative, appropriate clothing, and be sure it and you are immaculate. This is a business interview, and your appearance should indicate that you regard it as such. Besides, being well-groomed and properly dressed will help boost your confidence.

Sooner or later, someone will call your name and escort you into the interview room. *This is it.* From here on you are on your own. It is too late for any more preparation. But, remember, you asked for this opportunity to prove your fitness, and you are here because your request was granted.

E. WHAT HAPPENS WHEN YOU GO IN?

The usual sequence of events will be as follows: The clerk (who is often the board stenographer) will introduce you to the chairman of the oral board, who will introduce you to each other member of the board. Acknowledge the introductions before you sit down. Do not be surprised if you find a microphone facing you or a stenotypist sitting by. Oral interviews are usually recorded, in the event of an appeal or other review.

Usually the chairman of the board will open the interview by reviewing the highlights of your education and work experience from your application -- primarily for the benefit of the other members of the board, as well as to get the material into the record. Do not interrupt or comment unless there is an error or significant misinterpretation; if so, do not hesitate. But do not quibble about insignificant matters. Usually, also, he will ask you some question about your education, your experience, or your present job -- partly to get you started talking, to establish the interviewing "rapport." He may start the actual questioning, or turn it over to one of the other members. Frequently each member undertakes the questioning on a particular area, one in which he is perhaps most competent. So you can expect each member to participate in the examination. And because the time is limited, you may expect some rather abrupt switches in the direction the questioning takes. Do not be upset by it. Normally, a board member will not pursue a single line of questioning unless he discovers a particular strength or weakness.

After each member has participated, the chairman will usually ask whether any member has any further questions, then will ask you if you have anything you wish to add. Unless you are expecting this question, it may floor you. Or worse, it may start you off on an extended, extemporaneous speech. The board is not usually seeking more information. The question is principally to offer you a last opportunity to present further qualifications or to indicate that you have

nothing to add. So, if you feel that a significant qualification or characteristic has been overlooked, it is proper to point it out in a sentence or so. Do not compliment the board on the thoroughness of their examination -- they have been sketchy, and you know it. If you wish, merely say, "No thank you, I have nothing further to add." This is a point where you can "talk yourself out" of a good impression or fail to present an important bit of information. *Remember, you close the interview yourself.*

The chairman will then say, "That is all, Mr. Smith, thank you." Do not be startled; the interview is over, and quicker than you think. Say, "Thank you and good morning," gather up your belongings and take your leave. Save your sigh of relief for the other side of the door.

F. HOW TO PUT YOUR BEST FOOT FORWARD

Throughout all this process, you may feel that the board individually and collectively is trying to pierce your defenses, to seek out your hidden weaknesses, and to embarrass and confuse you. Actually, this is not true. They are obliged to make an appraisal of your qualifications for the job you are seeking, and they want to see you in your best light. Remember, they must interview all candidates and a noncooperative candidate may become a failure in spite of their best efforts to bring out his qualifications. Here are fifteen (15) suggestions that will help you:

1. Be Natural. Keep Your Attitude Confident, But Not Cocky

If you are not confident that you can do the job, do not expect the board to be. Do not apologize for your weaknesses, try to bring out your strong points. The board is interested in a positive, not a negative presentation. Cockiness will antagonize any board member, and make him wonder if you are covering up a weakness by a false show of strength.

2. Get Comfortable, But Don't Lounge or Sprawl

Sit erectly but not stiffly. A careless posture may lead the board to conclude you are careless in other things, or at least that you are not impressed by the importance of the occasion to you. Either conclusion is natural, even if incorrect. Do not fuss with your clothing, or with a pencil or an ashtray. Your hands may occasionally be useful to emphasize a point; do not let them become a point of distraction.

3. Do Not Wisecrack or Make Small Talk

This is a serious situation, and your attitude should show that you consider it as such. Further, the time of the board is limited; they do not want to waste it, and neither should you.

4. Do Not Exaggerate Your Experience or Abilities

In the first place, from information in the application, from other interviews and other sources, the board may know more about you than you think; in the second place, you probably will not get away with it in the first place. An experienced board is rather adept at spotting such a situation. Do not take the chance.

5. If You Know a Member of the Board, Do Not Make a Point of It, Yet Do Not Hide It.

Certainly you are not fooling him, and probably not the other members of the board. Do not try to take advantage of your acquaintanceship -- it will probably do you little good.

6. Do Not Dominate the Interview

Let the board do that. They will give you the clues -- do not assume that you have to do all the talking. Realize that the board has a number of questions to ask you, and do not try to take up all the interview time by showing off your extensive knowledge of the answer to the first one.

7. Be Attentive

You only have twenty minutes or so, and you should keep your attention at its sharpest throughout. When a member is addressing a problem or a question to you, give him your undivided attention. Address your reply principally to him, but do not exclude the other members of the board.

8. Do Not Interrupt

A board member may be stating a problem for you to analyze. He will ask you a question when the time comes. Let him state the problem, and wait for the question.

9. Make Sure You Understand the Question

Do not try to answer until you are sure what the question is. If it is not clear, restate it in your own words or ask the board member to clarify it for you. But do not haggle about minor elements.

10. Reply Promptly But Not Hastily

A common entry on oral board rating sheets is "candidate responded readily," or "candidate hesitated in replies." Respond as promptly and quickly as you can, but do not jump to a hasty, ill-considered answer.

11. Do Not Be Peremptory in Your Answers

A brief answer is proper -- but do not fire your answer back. That is a losing game from your point of view. The board member can probably ask questions much faster than you can answer them.

12. Do Not Try To Create the Answer You Think the Board Member Wants

He is interested in what kind of mind you have and how it works -- not in playing games. Furthermore, he can usually spot this practice and will usually grade you down on it.

13. Do Not Switch Sides in Your Reply Merely to Agree With a Board Member

Frequently, a member will take a contrary position merely to draw you out and to see if you are willing and able to defend your point of view. Do not start a debate, yet do not surrender a good position. If a position is worth taking, it is worth defending.

14. Do Not Be Afraid to Admit an Error in Judgment if You Are Shown to Be Wrong

The board knows that you are forced to reply without any opportunity for careful consideration. Your answer may be demonstrably wrong. If so, admit it and get on with the interview.

15. Do Not Dwell at Length on Your Present Job

The opening question may relate to your present assignment. Answer the question but do not go into an extended discussion. You are being examined for a new job, not your present one. As a matter of fact, try to phrase *all* your answers in terms of the job for which you are being examined.

G. BASIS OF RATING

Probably you will forget most of these "do's" and "don'ts" when you walk into the oral interview room. Even remembering them all will not insure you a passing grade. Perhaps you did not have the qualifications in the first place. But remembering them *will* help you to put your best foot forward, without treading on the toes of the board members.

Rumor and popular opinion to the contrary notwithstanding, an oral board wants you to make the best appearance possible. They know you are under pressure -- but they also want to see how you respond to it as a guide to what your reaction would be under the pressures of the job you seek. They will be influenced by the degree of poise you display, the personal traits you show, and the manner in which you respond.



EXAMINATION SECTION

สถาบันวิทยบริการ
จุฬาลงกรณ์มหาวิทยาลัย

10. The number of notaries public is determined by 10. ___
 A. the legislature
 B. the civil service commission
 C. the Secretary of State
 D. individual county clerks
11. The jurisdiction of a notary public extends throughout 11. ___
 the
 A. United States B. state only
 C. county of residence only D. city of residence only
12. The MAXIMUM length of term of a notary is 12. ___
 A. 6 months B. 1 year C. 2 years D. indefinite
13. Every person appointed as a notary public MUST 13. ___
 A. be a United States citizen
 B. be a resident of the state
 C. have a place of business in the state
 D. be a registered voter
14. The educational requirement for a notary public is 14. ___
 A. common school education B. high school diploma
 C. college degree D. none
15. A notary public MUST be at time of application for 15. ___
 appointment ___ years old.
 A. 18 B. 20 C. 21 D. 25
16. A candidate for the office of notary public may NOT be 16. ___
 appointed if he has been convicted of which of the following?
 A. Drunken driving
 B. Misdemeanor
 C. Possessing burglar's instruments
 D. Traffic offenses
17. The fee for taking an acknowledgment and swearing two 17. ___
 witnesses is
 A. 50¢ B. \$1.00 C. \$1.50 D. \$3.00
18. If a person does not file his oath of office within the 18. ___
 prescribed time, his appointment is revoked.
 How may he then become a notary?
 A. Reapplying, paying fee, and passing the examination
 B. Reapplying and paying the fee
 C. Paying the fee
 D. He may not
19. The fee for a county clerk's certificate of official 19. ___
 character is
 A. 25¢ B. 50¢ C. \$1.00 D. \$2 or more
20. Which of the following may a notary public NOT do on 20. ___
 Sunday?
 A. Take an acknowledgment B. Administer an oath
 C. Take an affidavit D. Take a deposition

21. Any person who is NOT a notary but who represents himself as such is guilty of 21. ___
 A. misdemeanor B. felony C. harassment D. perjury
22. The person named by a court to administer the estate of a man who has died without leaving a will is called the 22. ___
 A. executor B. intestate
 C. administrator D. surrogate
23. The person named in a will to administer the estate of the deceased is called the 23. ___
 A. executor B. intestate
 C. administrator D. surrogate
24. The act of carrying on legal action is called 24. ___
 A. heirsuit B. litigation
 C. protestation D. perjury
25. Which of the following is an ex parte statement? 25. ___
 A. Deposition B. Acknowledgment
 C. Affidavit D. Conveyance

KEY (CORRECT ANSWERS)

- | | |
|-------|-------|
| 1. B | 11. B |
| 2. C | 12. C |
| 3. B | 13. A |
| 4. D | 14. A |
| 5. A | 15. A |
| 6. D | 16. C |
| 7. C | 17. C |
| 8. A | 18. B |
| 9. D | 19. D |
| 10. C | 20. D |
| 21. A | |
| 22. C | |
| 23. A | |
| 24. B | |
| 25. C | |

TEST 2

DIRECTIONS: Each question or incomplete statement is followed by several suggested answers or completions. Select the one that BEST answers the question or completes the statement. PRINT THE LETTER OF THE CORRECT ANSWER IN THE SPACE AT THE RIGHT.

1. The maker of a deposition is called the _____
A. depositor B. affiant C. attester D. deponent
2. For an oath to be effective, it MUST be _____
A. oral B. written
C. witnessed D. all of the above
3. The equivalent of an oath is a(n) _____
A. attestation B. affirmation
C. chattel D. deposition
4. The transfer, surrender, or assignment of any interest in real property is called a(n) _____
A. lien B. mortgage C. sale D. conveyance
5. An agreement between competent parties to do or not to do certain things for legal consideration, whereby each acquires a right to what the other possesses, is a _____
A. consideration B. bill of sale
C. contract D. lien
6. An escrow should be revocable by _____
A. the first party B. the escrowee
C. either party D. no one
7. A crime punishable by imprisonment in a state prison is a(n) _____
A. perjury B. misdemeanor C. offense D. felony
8. The part of an affidavit where the notary public certifies that it was sworn to before him is the _____
A. lien B. codicil C. jurat D. seal
9. The evidence of a personal debt secured by real property is USUALLY in the form of a _____
A. mortgage B. lien C. lease D. bond
10. An instrument in writing that creates a lien upon real estate as security for the payment of a specified debt is a(n) _____
A. conveyance B. mortgage C. escrow D. lease
11. The one of the following that the state does NOT require the notary to use is the _____
A. signature B. jurat C. venue D. seal

12. The part of the state law which requires that certain contracts MUST be in writing or partially complied with, in order to be enforceable at law, is called the _____ 12. _____
 A. contract law B. common law
 C. proof clause D. statute of frauds
13. Laws which are passed by legislatures are called _____ 13. _____
 A. bills B. statutes C. contracts D. codes
14. If a notary public fails to administer an oath, he is guilty of _____ 14. _____
 A. removal from office B. misdemeanor
 C. felony D. none of the above
15. If the lessee of a safe deposit box fails to pay rental or does not vacate the box after the prescribed period of time by law, the box may be opened by a notary accompanied by a _____ 15. _____
 A. locksmith B. county clerk
 C. bank guard D. bank officer
16. The contents of such a safe deposit box shall, after the expiration of ten years from the time of opening of the box, be deemed _____ property _____ 16. _____
 A. lost B. government C. destroyed D. abandoned
17. The one of the following which a notary may NOT do is: _____ 17. _____
 A. Take an acknowledgment on a conveyance
 B. Perform marriages
 C. Charge for his services
 D. Administer oaths
18. A person who communicates by telephone or mail in a manner likely to cause annoyance or alarm is guilty of _____ 18. _____
 A. felony B. assault C. battery D. harassment
19. A notary who issues a false certificate with intent to defraud or deceive with knowledge that it contains a false statement or false information is guilty of a class _____ felony. _____ 19. _____
 A. B B. C C. D D. E
20. A person guilty of forgery in the second degree is guilty of a class _____ felony. _____ 20. _____
 A. B B. C C. D D. E
21. If a notary is convicted of official misconduct, what may his MAXIMUM sentence be? _____ 21. _____
 A. 30 days B. 6 months C. 1 year D. 4 years
22. If a notary asks for and receives more compensation than he is allowed by law, he is subject to indictment. Which of the following charges would he NOT be indicted with? _____ 22. _____
 A. Criminal contempt B. Treble damages
 C. Criminal prosecution D. Felony

23. The acknowledgment or proof of a conveyance of real property situate may NOT be made before a _____ 23. _____
 A. real estate broker B. justice of the Supreme Court
 C. title examiner D. notary public
24. The thing to be known by the notary in taking an acknowledgment is the _____ 24. _____
 A. facts
 B. identity of the maker is the same as the executor
 C. truth of the acknowledgment
 D. reason
25. What is the fee for administering an oath to a military officer, public official, or public employee? _____ 25: _____
 A. 25¢ B. 50¢ C. \$1.00 D. Nothing

KEY (CORRECT ANSWERS)

- | | |
|-------|-------|
| 1. D | 11. D |
| 2. A | 12. D |
| 3. B | 13. B |
| 4. D | 14. B |
| 5. C | 15. D |
| 6. D | 16. D |
| 7. D | 17. B |
| 8. C | 18. D |
| 9. D | 19. D |
| 10. B | 20. C |
| 21. C | |
| 22. A | |
| 23. A | |
| 24. B | |
| 25. D | |

EXAMINATION SECTION

TEST 1

DIRECTIONS: Each question or incomplete statement is followed by several suggested answers or completions. Select the one that BEST answers the question or completes the statement. *PRINT THE LETTER OF THE CORRECT ANSWER IN THE SPACE AT THE RIGHT.*

1. The *primary* duty of a Notary Public is to 1. _____
 - A. administer oaths, and take proof and acknowledgement of written instruments
 - B. attest to the genuineness of any deeds or writings in order to render them available as evidence of the facts therein contained
 - C. take acknowledge of or proof of the execution of an instrument by his client in respect to any matter, claim or proceeding
 - D. attest to the genuineness of notice, in that one who is entitled to notice of a fact, will thus be bound by acquiring knowledge of it
 - E. attest that a person has notice of a fact when he has actual knowledge thereof, or has received a notification thereof from all the facts and circumstances known to him at the time in question

2. How is the fee to which a notary is entitled set? 2. _____
 - A. Each notary sets his own fee
 - B. The fee is determined by agreement
 - C. Each notary sets his own fee except in cases where he performs service for a corporation in which he is employed
 - D. By law
 - E. There is no fee

3. Who appoints and commissions notaries public? The 3. _____
 - A. Attorney General
 - B. Commissioner of General Services
 - C. Secretary of State
 - D. Solicitor General
 - E. Governor

4. The JURAT is 4. _____
 - A. evidence that the person making the acknowledgment is the individual described in, and who executed the document
 - B. evidence of the truth of the matters in relation to which he certifies
 - C. evidence that the oath was properly taken before a duly authorized officer
 - D. a part of the oath
 - E. conclusive evidence of an oath's due administration

5. A notary public who practices any fraud or deceit in the performance of his duties can be convicted of 5. _____
 A. misconduct B. a misdemeanor C. malpractice
 D. fraud E. a felony
6. All of the following are duties of a notary public EXCEPT: 6. _____
 A. Attesting to an affirmation
 B. Taking an acknowledgment
 C. Taking a deposition
 D. Administering an oath
 E. Drawing a will
7. In notarial practice, which of the following conditions is MOST important? The deponent 7. _____
 A. is who he says he is
 B. understands the ramifications of all he is swearing to
 C. is competent
 D. can pay the fee
 E. is known to the notary
8. The place on a notary certificate that gives the location where the notarial act was performed is called the 8. _____
 A. scilicet B. venue
 C. testimonium clause D. verification
 E. subscription
9. A notary public may lawfully 9. _____
 A. execute an acknowledgment to a will
 B. take an acknowledge to a legal instrument in which he has a financial interest
 C. take the acknowledgment of his constituent
 D. take the acknowledgment of a third party
 E. None of the above
10. A notary public is NOT permitted to adminster an oath to 10. _____
 A. a military officer
 B. a public official
 C. a member of his family
 D. himself
 E. all of the above
11. When an appointee does not file his oath of office within the specified time period 11. _____
 A. his appointment is revoked
 B. his fee is refunded
 C. he cannot apply for a new appointment for at least six months
 D. he is required to pass another examination for the same appointment
 E. he is guilty of a misdemeanor
12. All persons commissioned as notaries public 12. _____
 A. must be native born citizens
 B. must have high school diplomas
 C. are commissioned at the discretion of the Secretary of State
 D. must have some legal background
 E. all of the above

13. An ATTESTATION is performed by a 13. _____
 A. deponent B. witness C. attorney
 D. litigant E. notary public
14. A notary public CANNOT give legal advice EXCEPT when he 14. _____
 A. makes known the fact that he is not an attorney
 B. does not collect a fee
 C. has a law degree
 D. finds it necessary to properly perform his duties as notary
 E. none of the above
15. A JURAT is added to 15. _____
 A. a certificate B. an affidavit
 C. a certificate of authority D. an attestation
 E. an affirmation
16. A person who receives services from a notary public is 16. _____
 properly termed a
 A. client B. bearer C. advocate
 D. constituent E. customer
17. A person who has failed to reapply for appointment on account of enlistment in the armed forces, must apply for reappointment within _____ after military discharge. 17. _____
 A. 30 days B. 3 months C. 6 months
 D. 1 year E. 2 years
18. NO person may be appointed as a notary public who has been 18. _____
 convicted of a felony
 A. in any state or territory of the United States
 B. in the county of jurisdiction
 C. in any county within the state
 D. in the state, if the conviction occurred after the age of 21
 E. in any place in the world
19. Which of the following is a legal impediment to a person 19. _____
 being appointed to the office of notary public?
 A. Illegally using or carrying a pistol
 B. Receiving or having criminal possession of stolen property
 C. Unlawful possession of a habit forming narcotic drug
 D. Unlawful entry of a building
 E. All of the above
20. Which of the following is TRUE of a town official appointed 20. _____
 as a notary public?
 A. The notary may NOT retain the fees collected
 B. The expense of his appointment is NOT a proper town charge
 C. Only non-elected officials may be appointed notaries
 D. Fees collected for notarial services performed for the general public must be split with the town
 E. The notary may NOT waive collection of any fee

21. The making of a useless certificate and the collection of a fee therefor after receipt of notice that such practices must be discontinued, justifies a finding of _____
 A. misfeasance B. malpractice C. insubordination
 D. liability E. misconduct
22. An affiant who swears falsely may be prosecuted for _____
 A. counterfeiting B. fraud C. perjury
 D. forgery E. misrepresentation
23. The signature of the notary public is to be made in _____
 A. blue ink
 B. black ink
 C. blue or black ink
 D. any color ink
 E. any color ink or by any writing instrument as long as the signature is legible
24. A person may become a notary public if his appointment was revoked by failure to file within the specified period of time by _____
 A. reapplying
 B. paying a fee
 C. reapplying and paying a fee
 D. reapplying and passing the qualifying exam
 E. reapplying, paying a fee and passing the qualifying exam
25. The act of admitting or recognizing the existence of a signed agreement as evidence of one's intention that the agreement be binding and in full force is known as a(n) _____
 A. acceptance B. acknowledgment C. notarial act
 D. transaction E. certification

KEY (CORRECT ANSWERS)

- | | | | | |
|------|-------|-------|-------|-------|
| 1. A | 6. E | 11. A | 16. D | 21. E |
| 2. D | 7. A | 12. C | 17. D | 22. C |
| 3. C | 8. B | 13. B | 18. A | 23. B |
| 4. C | 9. C | 14. E | 19. E | 24. C |
| 5. B | 10. D | 15. B | 20. B | 25. B |

TEST 2

DIRECTIONS: Each question or incomplete statement is followed by several suggested answers or completions. Select the one that BEST answers the question or completes the statement. PRINT THE LETTER OF THE CORRECT ANSWER IN THE SPACE AT THE RIGHT.

1. A document used as testimony in a court proceeding is called a(n) 1. _____
A. instrument B. writ C. deposition
D. subpoena E. testament
2. A duly qualified notary public is deemed capable of performing notarial acts in accordance with the 2. _____
A. wishes of the Secretary of State
B. wishes of the Governor
C. dictates of his conscience
D. needs of society
E. law
3. A misdemeanor is a(n) 3. _____
A. intentionally wrongful or improper act
B. lesser crime than a felony
C. unlawful performance of an act
D. minor felony
E. violation
4. It is incumbent on the notary to scrutinize each document presented in order to 4. _____
A. insure it is in the form prescribed by law
B. determine if an oath is required
C. see that the person who executed the instrument has not signed his name without the presence of the notary
D. determine the exact nature of his duty with regard to the document
E. determine if the venue falls within his jurisdiction
5. Notaries must administer oaths in the manner and form prescribed by the 5. _____
A. Real Property Law B. Judiciary Law
C. Public Officers Law D. Executive Law
E. Civil Practice Law and Rules
6. A notary who was appointed under the name of Robert T. Jones may sign as 6. _____
A. Robert T. Jones B. Robt. T. Jones C. R. Jones
D. R.T. Jones E. all of the above
7. The signature and seal of a county clerk upon a certificate of the official character of a notary public may be 7. _____
A. printed B. photographed C. engraved
D. a facsimile E. all of the above

8. When is it NOT illegal to take an acknowledgment over the telephone? 8. _____
- It is always illegal
 - When the notary has satisfactory evidence that the person making it is the person described
 - When no jurat is required
 - When venue is not an issue
 - When the words: "On this day of, 19___, before, me came..." are excluded
9. Under what circumstance is the notary permitted to receive a greater fee for a service than normally allowed by law? 9. _____
- When it is not solicited or in any way demanded
 - When travel expenses are incurred
 - When the affidavits exceed one printed page
 - When personal inconvenience or extenuating circumstances demand it
 - Under no circumstance
10. A notary who is a stockholder of a corporation may 10. _____
- NOT protest for the non-acceptance of negotiable instruments owned by the corporation
 - NOT protest for the non-payment of negotiable instruments owned by that corporation
 - protest for the non-acceptance and non-payment of negotiable instruments owned or held for collection by that corporation
 - protest for the non-acceptance and non-payment of negotiable instruments held for collection by that corporation
 - protest *only* for non-acceptance of negotiable instruments owned or held for collection by that corporation
11. The subscribing witness to any instrument verified or acknowledged before a notary public is the 11. _____
- notary public
 - constituent
 - affiant
 - maker
 - county clerk
12. Which of the following may preclude a person from becoming a notary public? If he 12. _____
- holds another public office
 - is a commissioned military officer
 - is a retired public employee
 - is a minor
 - all of the above
13. The powers of notaries public are defined by 13. _____
- the Secretary of State
 - courts of record
 - statute
 - tradition
 - convention
14. A notary may take a deposition if he is NOT 14. _____
- an attorney for a party or prospective party seeking the examination
 - the employee of an attorney for the party seeking the examination
 - a person with an interest
 - all of the above
 - none of the above

15. A notary who is a member of the state bar may take the affidavit of his client in respect to any matters when it is taken 15. _____
 A. prior to a pending cause
 B. with the permission of the court of record
 C. before the suit commences
 D. in the discretion of the Secretary of State
 E. in his direction
16. Any person WITHOUT an appointment who conveys the impression that he is a notary public may be prosecuted for 16. _____
 A. misconduct B. a misdemeanor C. perjury
 D. a felony E. forgery
17. An appointee has a period of _____ to file an oath of office with the county clerk. 17. _____
 A. 10 days B. 15 days C. 30 days
 D. 3 months E. 6 months
18. Certificates of acknowledgment or proof are NOT entitled to be read in evidence or recorded in this state if they are made in a foreign country other than 18. _____
 A. United Kingdom B. Canada C. Guam
 D. Mexico E. in an English speaking nation
19. To indicate genuineness by signing as a witness, the notary public _____ the instrument. 19. _____
 A. authenticates B. endorses C. attests
 D. certifies E. affirms
20. A notary public who knowingly makes a false certificate may be prosecuted for 20. _____
 A. malfeasance B. forgery C. misconduct
 D. a misdemeanor E. malpractice
21. The fee for the certification of a notarial signature by a county clerk is 21. _____
 A. \$.25 B. \$.50 C. \$.75
 D. \$1.00 E. \$5.00
22. A certificate of official character is issued when a notary wants to practice in other 22. _____
 A. counties B. countries C. cities
 D. states E. all of the above
23. An attorney would be excluded from the office of notary public if he is 23. _____
 A. a resident but not a member of the bar
 B. a non-resident and not admitted to practice in the courts of record of this state
 C. admitted to practice in the courts of record of this state and moves out of state
 D. a non-resident only maintaining an office within this state
 E. none of the above

24. A felony in another jurisdiction, for purpose of dis- 24. _____
 qualification from the office of notary public, depends
 on all the following EXCEPT
- A. whether executive pardon was received
 - B. the exact nature of the crime
 - C. the statute upon which the conviction is based
 - D. whether the criminal offense is cognizable as a crime in
 this state
 - E. if reciprocity exists
25. What is the fee for affixing a notarial seal to a protest? 25. _____
- A. Nothing
 - B. \$.10
 - C. \$.25
 - D. \$.50
 - E. \$.75

KEY (CORRECT ANSWERS)

- | | | | | |
|------|-------|-------|-------|-------|
| 1. C | 6. A | 11. A | 16. B | 21. E |
| 2. E | 7. E | 12. D | 17. C | 22. A |
| 3. B | 8. A | 13. C | 18. B | 23. B |
| 4. D | 9. E | 14. E | 19. C | 24. E |
| 5. E | 10. C | 15. E | 20. B | 25. A |

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EXAMINATION SECTION

TEST 1

DIRECTIONS: Each question or incomplete statement is followed by several suggested answers or completions. Select the one that BEST answers the question or completes the statement. PRINT THE LETTER OF THE CORRECT ANSWER IN THE SPACE AT THE RIGHT.

1. Within what boundaries do the notary's acts receive official credence? 1. _____
 - A. the country in which he serves
 - B. the geographic area in which he serves
 - C. the state in which he serves
 - D. the territorial jurisdiction of the country he serves
 - E. the country in which he serves and in all others in which they are used as instruments of evidence

2. In the rural districts of the state, notaries public prepare 2. _____
 - A. leases
 - B. bills of sale
 - C. chattel mortgages
 - D. all of the above
 - E. none of the above

3. The qualifying requirements of notaries public are waived in the case of 3. _____
 - A. attorneys
 - B. real estate brokers
 - C. state officials
 - D. county officials
 - E. all of the above

4. What is the application fee? 4. _____
 - A. \$5.00
 - B. \$10.00
 - C. \$15.00
 - D. \$20.00
 - E. \$25.00

5. The making of a false jurat by an attorney while acting as a notary public usually justifies 5. _____
 - A. a reprimand
 - B. his removal
 - C. his suspension
 - D. censure
 - E. disciplinary proceedings leading to disbarment

6. What term has the same meaning as DEPONENT? 6. _____
 - A. bearer
 - B. attesting witness
 - C. jurat
 - D. litigant
 - E. affiant

7. A notary public may give legal advice when 7. _____
 - A. it does not involve a criminal action
 - B. it does not involve a civil action
 - C. it involves real estate
 - D. the notary is admitted to practice within the state
 - E. none of the above

8. Who signs the JURAT? The 8. _____
 - A. constituent
 - B. notary public
 - C. county clerk
 - D. attorney of record
 - E. constituent and the notary

9. The number of notaries public is determined by the 9. _____
 A. Secretary of State's judgment
 B. Governor's judgment
 C. number and size of the counties
 D. state population
 E. number of applicants
10. Of the following, which would be more likely to take an oath rather than an affirmation? A(n) 10. _____
 A. atheist
 B. member of a religious order
 C. attorney admitted to the bar
 D. person swearing to a legal instrument
 E. notary public
11. The county clerk reports the name and date of the qualification of each notary public and those whose appointment was revoked on 11. _____
 A. the last day of each week
 B. the first day of each week
 C. or before the tenth day of each month
 D. or before the last day of each month
 E. March 30th of each year
12. The person who takes the oath to a written instrument is called the 12. _____
 A. constituent B. claimant C. litigant
 D. affiant E. testator
13. When should the notary advise the person coming before him as to the law concerning the papers presented for certification? 13. _____
 A. Before the oath
 B. After the oath
 C. Before signing his official signature
 D. As soon as possible
 E. None of the above
14. During the time he is available as a notary, a notary public may engage in another business 14. _____
 A. at all times
 B. when he sees fit
 C. sometimes
 D. never
 E. only under certain circumstances as specified in the Public Officers Law
15. The license fees charged an applicant for the office of notary public depend on and are determined by the 15. _____
 A. Secretary of State
 B. volume of fees collected by the notary during his previous appointment
 C. population of the county of his residence
 D. area size of the county of his residence
 E. notary's term of office

16. An applicant for appointment as notary public shall be in form and set forth such matters as the _____ shall prescribe. 16. _____
 A. law B. governor and senate
 C. secretary of state D. county clerk
 E. applicant
17. A member of the armed forces may have the qualifying requirements waived if his discharge was 17. _____
 A. honorable *only*
 B. under conditions other than honorable
 C. general *only*
 D. administrative *only*
 E. under conditions other than dishonorable
18. The power to suspend or remove a notary from office rests with 18. _____
 A. the governor B. the secretary of state
 C. the attorney general D. a court of law
 E. the senate
19. Necessary forms for application for appointment as a notary public are supplied by offices in 19. _____
 A. Albany B. New York City C. Buffalo
 D. Poughkeepsie E. any major city throughout the state
20. Which of the following is not reported to the Secretary of State? The 20. _____
 A. name of each notary public qualifying
 B. date of qualification
 C. fee collected for qualification
 D. name of each notary public whose appointment was revoked
 E. fee forfeited for failure to qualify
21. A notary who makes a useless certificate and collects a fee after receiving notice to discontinue such practice warrants 21. _____
 A. a fine
 B. his suspension from office
 C. an official reprimand
 D. forfeiture of the fee
 E. his removal from office
22. Failure to affix the official county clerk number to an instrument, 22. _____
 A. invalidates the oath
 B. invalidates the instrument
 C. does NOT invalidate the instrument
 D. releases a false swearer from prosecution
 E. constitutes misconduct
23. The notary adds the name of any county in which his certificate of official character is filed 23. _____
 A. whenever it is required
 B. when it is filed in a county or counties within the city of New York
 C. when it is requested he do so by the affiant
 D. when he is not an attorney with a practice of law within this state
 E. at no time

24. When a notary public has qualified in the office of the clerk in a county or counties within the City of New York, each instrument must have the 24. _____
- A. words: "Notary Public, City of New York"
 - B. name of the county or counties
 - C. name of other county or counties of qualification
 - D. official number or numbers given to him by the clerk
 - E. embossment of his official seal
25. A notary must know 25. _____
- A. how to prepare a legal document
 - B. state law
 - C. the acts which constitute the practice of law
 - D. the acts which constitute the practice of a notary public *only*
 - E. which acts constitute the practice of law and which acts constitute the practice of a notary public

KEY (CORRECT ANSWERS)

- | | | | | |
|------|-------|-------|-------|-------|
| 1. E | 6. E | 11. C | 16. C | 21. E |
| 2. D | 7. D | 12. D | 17. E | 22. C |
| 3. A | 8. B | 13. E | 18. B | 23. A |
| 4. D | 9. A | 14. A | 19. A | 24. D |
| 5. C | 10. B | 15. C | 20. C | 25. E |

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TEST 2

DIRECTIONS: Each question or incomplete statement is followed by several suggested answers or completions. Select the one that BEST answers the question or completes the statement. PRINT THE LETTER OF THE CORRECT ANSWER IN THE SPACE AT THE RIGHT.

1. A document may also be called a(n) 1. _____
A. affidavit B. declaration C. transcript
D. instrument E. certificate

2. A felony is a(n) 2. _____
A. indictment
B. violation of the law
C. crime more serious than a misdemeanor
D. tort
E. crime more serious than malfeasance

3. A notary _____ oaths. 3. _____
A. gives B. takes C. solemnizes
D. ratifies E. records

4. A justice of the peace may 4. _____
A. not take an acknowledgment
B. take an acknowledgment only if he signs on the line above the words "notary public"
C. take an acknowledgment if he signs on the line provided and crosses out the words "notary public," adding a description of his office
D. take an acknowledgment if he signs on the line provided and crosses out the words "notary public"
E. take an acknowledgment if he signs in another place besides that reserved for notaries and adds a description of his office under the signature

5. An affidavit differs from a deposition in that an affidavit 5. _____
is
A. abstract B. an ex parte statement
C. a res gestae D. not res judicata
E. a quasi deposition

6. A notary can take an acknowledgment of a paper which is 6. _____
executed entirely in blank
A. at all times
B. at his discretion
C. under certain specified circumstances or conditions
D. only when the constituent is a fellow notary
E. at no time

7. A notary public may 7. _____
A. solemnize marriages
B. not take the acknowledgment of parties and witnesses to a written contract of marriage
C. not take depositions to be used in a court proceeding
D. issue certified copies
E. none of the above

8. A notary's application fee is refundable when the applicant 8. _____
 A. fails to qualify
 B. fails to qualify within a specified period of time
 C. loses his eligibility
 D. fails to qualify by reason of his induction into the armed forces
 E. under no circumstance
9. A notary fails in his duty with regard to affidavits if 9. _____
 he does NOT
 A. certify the execution of the document
 B. certify the identity of the affiant
 C. administer an oath
 D. witness the execution of the document
 E. personally know the person swearing
10. The notary certifies to the taking of the acknowledgment 10. _____
 when he
 A. signs his official signature
 B. stamps his rubber stamp
 C. uses his official seal
 D. administers the oath
 E. enters it in his notary's register
11. A notary may NOT take the acknowledgment of a corporation 11. _____
 if he
 A. is a stockholder
 B. is an officer
 C. is a party individually executing the instrument
 D. individually or as a representative of the corporation executes the instrument
 E. all of the above
12. When a notary changes his place of residence from one 12. _____
 county to another he must notify
 A. only the Secretary of State
 B. the Secretary of State and the county clerk of the new residence
 C. the Secretary of State and the county clerk of the old residence
 D. both county clerks
 E. neither county clerk nor the Secretary of State
13. The cost of securing a commission as notary public for a 13. _____
 city veteran's service officer is paid by the
 A. veteran's administration
 B. city
 C. applicant
 D. state
 E. fee is waived
14. A notary's signature to an acknowledgment is authenticated 14. _____
 by
 A. the county clerk
 B. the secretary of state
 C. a third person with knowledge of the notary's signature
 D. the maker of the acknowledgment

15. Power of Attorney 15. _____
A. allows a person to act as attorney for another
B. is the right of every person admitted to the bar
C. allows a parent or guardian to act in behalf of a child
D. allows a person to act in behalf of another
E. allows a notary to act in behalf of an attorney
16. The making of a false jurat by an attorney while acting as a notary does NOT warrant 16. _____
A. imprisonment
B. disbarment
C. revoking his notarial license
D. a fine and/or warning
E. a reprimand
17. Of the following, it is CORRECT to state that 17. _____
A. defects in connection with a notary's statement as to authority cannot be corrected
B. defects in connection with a notary's statement as to authority are jurisdictional and will invalidate his act
C. failure to comply with statutory provisions will not validate the acts of a notary
D. failure to comply with statutory provisions will invalidate the acts of a notary
E. it is the responsibility of those who use a notary to investigate the notary's right to exercise the functions of the office
18. A notary public can delegate his official authority to 18. _____
A. his attorney
B. an attorney with offices in the same building and who is well known to the notary
C. his clerk
D. a third person
E. none of the above
19. What words may an attorney duly licensed in New York substitute for the words "notary public"? 19. _____
A. Attorney-notary
B. Attorney
C. Counsellor at law
D. Attorney and counsellor at law
E. All of the above
20. A signed statement, duly sworn to by the maker before a notary public is called a(n) 20. _____
A. notarization B. acceptance C. affidavit
D. acknowledgment E. deposition
21. The acknowledgment or proof of a conveyance of real property situate in this state may be made in foreign countries before a notary public 21. _____
A. acting within his territorial jurisdiction
B. appointed to take such without this state
C. residing within the country where such is taken
D. specially authorized for such purpose
E. authorized by the laws of the country where such is taken

22. _____
23. _____
24. _____
25. _____
2. A jurat does NOT have to include
 A. an official seal
 B. the name of the county he originally qualified in
 C. the date upon which his commission expires
 D. the words: "notary public, state of New York"
 E. none of the above
23. The notary's term of office is
 A. 1 year
 B. 2 years
 C. 3 years
 D. 10 years
 E. variable
24. Which of the following is required for a nonresident to serve as a notary public in this state?
 A. Phone listing in a New York directory
 B. Place of business in New York
 C. Business affiliation with a New York resident
 D. Appointment of a county clerk as person upon whom process can be served on his behalf
 E. Proof of need for appointment
25. A person who was convicted of vagrancy or prostitution can serve as a notary public if
 A. the conviction occurred before the age of 18
 B. the conviction occurred before the age of 21
 C. a certificate of good conduct from the parole board removes the disability
 D. the conviction occurred out of state
 E. may not serve

KEY (CORRECT ANSWERS)

- | | | | | |
|------|-------|-------|-------|-------|
| 1. D | 6. E | 11. D | 16. A | 21. A |
| 2. C | 7. B | 12. E | 17. C | 22. A |
| 3. A | 8. E | 13. C | 18. E | 23. E |
| 4. C | 9. C | 14. A | 19. D | 24. B |
| 5. B | 10. A | 15. D | 20. C | 25. C |

EXAMINATION SECTION

TEST 1

DIRECTIONS: Each question or incomplete statement is followed by several suggested answers or completions. Select the one that BEST answers the question or completes the statement. PRINT THE LETTER OF THE CORRECT ANSWER IN THE SPACE AT THE RIGHT.

1. Which of the following statements concerning notarial practice is CORRECT? 1. _____
 - A. A notary public cannot hold another public office
 - B. A retired public employee serves with suspension of pension and annuity benefits
 - C. A notary public is prohibited from accepting privileges or favors from corporations
 - D. A married woman may not sign using her maiden name even if she married during the course of her term
 - E. A Catholic sister is not permitted to sign using her religious name

2. How long must a notary reside in the state preceding his appointment? 2. _____
 - A. 6 months
 - B. 1 year
 - C. 2 years
 - D. 3 years
 - E. 5 years

3. A notarization MUST include 3. _____
 - A. indentations made from the notary's official seal embosser
 - B. date upon which the notary's commission began
 - C. the notary's official state address
 - D. the name of the county where the notary's act took place
 - E. the date upon which the notary's commission expires

4. A Catholic sister appointed as a notary public may validly sign as 4. _____
 - A. Sister Mary Joseph
 - B. Jane (Sister Mary Joseph) Smith
 - C. Jane Smith
 - D. Jane Smith (Sister Mary Joseph)
 - E. Sister Jane Smith

5. A notary public vacates his office when he 5. _____
 - A. changes his residence from one county to another within the state
 - B. changes his residence from one county within the state to another county outside it while maintaining an office within the state
 - C. is a nonresident moving his office from one county to another within the state
 - D. is a nonresident moving his office from one county within the state to another outside it
 - E. all of the above

4. A person appointed as a notary public must be a citizen 14. _____
 A. at the time of his appointment
 B. for 30 days prior to his appointment
 C. for 6 months prior to his appointment
 D. for 1 year prior to his appointment
 E. by birth
15. Qualifying requirements may be *waived* if the person applies 15. _____
 for reappointment within _____ of the expiration of his term.
 A. 10 days B. 30 days C. 3 months
 D. 6 months E. 1 year
16. When an employee serves as a notary public as a conveni- 16. _____
 ence to the county, the fee is
 A. paid by the employee
 B. paid by the county
 C. split between the county and the employee
 D. paid by the state
 E. waived by the county clerk
17. The fee paid by a *foreign* notary MUST be 17. _____
 A. paid to the foreign notary's consulate
 B. split with the foreign notary's consulate
 C. paid to the state treasury
 D. paid to the secretary of state
 E. paid to the secretary of state of the country
18. The MAXIMUM fee an attorney shall receive for the protest 18. _____
 for nonpayment of any note is
 A. \$.10 B. \$.25 C. \$.50
 D. \$.75 E. \$1.00
19. When a certificate of acknowledgment or proof is made by a 19. _____
 notary public in a foreign country, it is NOT entitled to
 be read in evidence or recorded in this state *unless*
 A. the person signing the agreement is a citizen
 B. the person signing the agreement is a resident of this state
 C. such certificate is authenticated
 D. such certificate is certified
 E. such certificate is countersigned
20. When a notary *fails* to comply with the provisions governing 20. _____
 his authority to act,
 A. the official act is not legally binding
 B. the official act is invalid
 C. the official act is falsified
 D. no fee can be collected
 E. no official act is held invalid
21. The acknowledgment or proof of real property situate in 21. _____
 this state may be made by a notary
 A. at any place within the state
 B. within the district he is authorized to perform
 official duties
 C. within the county he is authorized to perform official
 duties
 D. within the county where the real property is situated
 E. if it is annexed with a certificate of acknowledgment by
 a commissioner of deeds

22. The LONGEST term a notary may serve is 22. _____
 A. 1 year B. 2 years C. 5 years
 D. 10 years E. unlimited
23. The notary's signature 23. _____
 A. should be written in his own hand
 B. can be written by a designated person
 C. should be stamped on each notarial certificate
 D. should itself be notarized
 E. should be illegible to combat forgery
24. To NOTARIZE means to 24. _____
 A. swear to the truth
 B. certify
 C. sign a written statement
 D. acknowledge the existence of an agreement
 E. perform a notarial act
25. If a notary prepares and takes the oath of an affiant to 25. _____
 a statement he knows to be FALSE, he will be
 A. charged with perjury
 B. suspended
 C. removed from office
 D. fined
 E. prosecuted

KEY (CORRECT ANSWERS)

- | | | | | |
|------|-------|-------|-------|-------|
| 1. C | 6. B | 11. C | 16. A | 21. A |
| 2. B | 7. E | 12. D | 17. D | 22. B |
| 3. E | 8. B | 13. E | 18. D | 23. A |
| 4. A | 9. E | 14. A | 19. C | 24. E |
| 5. D | 10. B | 15. D | 20. E | 25. C |

TEST 2

DIRECTIONS: Each question or incomplete statement is followed by several suggested answers or completions. Select the one that BEST answers the question or completes the statement. PRINT THE LETTER OF THE CORRECT ANSWER IN THE SPACE AT THE RIGHT.

1. A notary's general authority is defined in the 1. _____
 - A. Real Property Law
 - B. Judiciary Law
 - C. Public Officers Law
 - D. Executive Law
 - E. Civil Practice Law and Rules

2. A notary is entitled to a fee for administering the oath of office to a(n) 2. _____
 - A. military officer
 - B. inspector of election
 - C. clerk of the poll
 - D. public official
 - E. none of the above

3. The fee for reappointment is 3. _____
 - A. nothing
 - B. \$1.00
 - C. \$5.00
 - D. \$20.00
 - E. \$25.00

4. Which of the following statements concerning the taking of oaths is NOT true? The 4. _____
 - A. person must swear in the notary's presence
 - B. notary must conscientiously take upon himself the obligation of the oath
 - C. person must swear that what he states is true
 - D. person does not necessarily have to swear before God
 - E. None of the above

5. A notary may NOT take the acknowledgment or proof of any party to a written instrument executed by a corporation in which he is a 5. _____
 - A. stockholder
 - B. director
 - C. officer
 - D. all of the above
 - E. none of the above

6. A notary may NOT protest any negotiable instrument owned by a corporation if he is 6. _____
 - A. a stockholder of that corporation
 - B. an officer of that corporation
 - C. an employee of that corporation
 - D. individually, a party to such instrument
 - E. none of the above

7. The act of taking and certifying an acknowledgment by a notary is _____ in character. 7. _____
 - A. judicial
 - B. ministerial
 - C. legal
 - D. constitutional
 - E. political

- D. the act of notarization involves legal advice
E. he voluntarily choses to do so
7. The fee for the administration of the oath commissioning a notary public is 7. _____
A. \$.25 B. \$.50 C. \$.75 D. \$1.00 E. \$7.50
8. A notary public can execute a certificate by 8. _____
A. having the person appear before him
B. telephone, if he recognizes the person's voice
C. mail, if the person is known to him
D. having the blood relative of the person appear before him
E. all of the above
9. A notary may give legal advice if he 9. _____
A. shares office space with an attorney
B. has a business connection with an attorney whose office is not necessarily in the same building as his
C. has the Secretary of State's authorization
D. has completed the requirements of a law degree
E. none of the above
10. A notary public may begin practicing as soon as 10. _____
A. he is appointed
B. he passes the examination
C. he has filed his autograph signature with the county clerk
D. he has filed a certificate of his official character with the county clerk
E. his oath of office is duly executed together with his official signature
11. An affirmation differs from an oath in that 11. _____
A. false statements made thereon are not considered perjury
B. it is not a solemn statement
C. it is not as binding
D. it contains no reference to a Supreme Being
E. there is no difference
12. The sum collected for each certificate of official character issued is 12. _____
A. \$.25 B. \$.50 C. \$.75
D. \$1.00 E. nothing
13. Which of the following would disqualify an applicant from appointment as a notary public? 13. _____
A. Malfeasance
B. Misconduct
C. Conviction of a misdemeanor
D. Conviction of a felony
E. All of the above
14. Under what condition can a notary public provide blank forms with his jurat signed at the bottom? When the form is 14. _____
A. from a person of integrity known to the notary
B. from a person the notary has previously performed similar services for and found no evidence of misuse

- C. from a public official whose office may require service at a time the notary is unavailable
 D. a legal document customarily used by an attorney known to the notary
 E. under no circumstances
15. By signing his official signature to the document, the notary _____ to the taking of the acknowledgment. 15. _____
 A. certifies B. agrees C. swears
 D. grants E. admits
16. The notary's term of office is determined by 16. _____
 A. the date of his commission
 B. the date he passes the exam
 C. his birthdate
 D. the county in which he serves
 E. his test score
17. Of the following, who must be familiar with the practice of a notary public? 17. _____
 A. notaries
 B. notaries who are not attorneys
 C. constituents
 D. affiants
 E. process servers
18. The jurisdiction of a notary public is co-extensive with the boundaries 18. _____
 A. set by the Secretary of State
 B. of the county of residence
 C. of the state
 D. of the country
 E. of county of counties of jurisdiction
19. A nonresident notary public should appoint _____ as the person upon whom process can be served on his behalf. 19. _____
 A. an attorney whose practice of law is within the state
 B. a resident notary public
 C. a resident of good moral character
 D. the county clerk
 E. the Secretary of State
20. If a notary public applies for a reappointment before the expiration of his term 20. _____
 A. he is excused from the qualifying exam
 B. all fees are waived
 C. qualifying requirements may be waived
 D. the waiting period may be waived
 E. none of the above
21. A notary who is the subject of removal proceedings must have 21. _____
 A. the representation of counsel
 B. notification within 30 days
 C. been served with a copy of charges against him and an opportunity of being heard
 D. a list of those with complaints made against him only
 E. all of the above

22. A notary's oath of office is duly executed before 22. _____
 A. the Secretary of State
 B. the county clerk
 C. the county clerk or his assistant
 D. an attorney
 E. any person authorized to administer an oath
23. The official character of a notary public is *certified* by 23. _____
 A. the county clerk of the county in which the commission is filed
 B. any county clerk
 C. any county official
 D. another notary public
 E. at least two persons who have known the applicant for five years
24. When a notary files his autograph signature, the county clerk must 24. _____
 A. be acquainted with his handwriting
 B. be authorized to accept the signature
 C. be acquainted with the notary either directly or through a third person
 D. believe the signature is genuine
 E. have proof that the signature is that of the notary's
25. A notary has authority to act in a county other than his 25. _____
 county of residence
 A. if he files his oath with the county clerk of another county
 B. if he files his oath with the register of another county
 C. only with authorization of the Secretary of State
 D. at any time
 E. at no time

KEY (CORRECT ANSWERS)

- | | | | | |
|------|-------|-------|-------|-------|
| 1. A | 6. E | 11. D | 16. A | 21. C |
| 2. B | 7. D | 12. D | 17. A | 22. E |
| 3. D | 8. A | 13. D | 18. C | 23. A |
| 4. D | 9. E | 14. E | 19. E | 24. D |
| 5. A | 10. E | 15. A | 20. C | 25. D |
-

TEST 2

DIRECTIONS: Each question or incomplete statement is followed by several suggested answers or completions. Select the one that BEST answers the question or completes the statement. PRINT THE LETTER OF THE CORRECT ANSWER IN THE SPACE AT THE RIGHT.

1. The fee for each notice of protest is 1.
A. \$.05 B. \$.10 C. \$.15 D. \$.25 E. \$.50
2. The fee for taking and certifying proof of execution of a written instrument is 2.
A. \$.10 B. \$.25 C. \$.50 D. \$.75 E. \$1.00
3. The fee for taking and certifying the acknowledgment or proof of execution of a written instrument when there is more than one person is 3.
A. \$.25 for up to 5 person and \$.10 for each additional person
B. \$.25 for one person and \$.10 for each additional person
C. \$.50 for one person and \$.25 for each additional person
D. \$.25 for one person and \$.25 for each additional person
E. \$.25 regardless of the number of persons
4. The physical presence of the affiant in the view of the notary is a requirement 4.
A. no longer adhered to today
B. that is never waived
C. that is sometimes waived
D. that is waived only at the discretion of the notary
E. for the performance of some notarial acts but not all
5. A notary is 5.
A. licensed B. elected C. certified
D. commissioned E. empowered
6. To ATTEST means to 6.
A. indicate genuineness by signing as a witness
B. admit or recognize the existence of an agreement as binding and in full force
C. describe acts performed in an official capacity
D. make a statement
E. give evidence under oath
7. It is NOT proper for a notary to 7.
A. advertise
B. waive his fee
C. raise his fee
D. perform notarial acts for friends
E. perform notarial acts for blood relatives
8. A paper on which writing or printing appears in a legal form, agreement or contract is called a(n) 8.
A. writ B. deposition
C. letter of attorney D. notarial certificate
E. instrument

9. A NOTICE OF PROTEST is a notice given in connection with 9. _____
 A. a formal order issued by a court of record
 B. demanding payment upon a negotiable instrument
 C. a false statement made under oath
 D. a negotiable instrument that has been dishonored
 E. a notary's failure to perform in accordance with his commission
10. A justice of the peace may take an oath ONLY if 10. _____
 A. a notary is not available
 B. designated to do so by a notary
 C. the jurat is countersigned by a notary
 D. the oath is part of a marriage contract
 E. the oath is not required to be taken before a particular officer
11. Taking an acknowledgment differs from taking an affidavit 11. _____
 in that
 A. it involves the administration of an oath
 B. it involves certification as to the identity and execution of the document
 C. the identity of the person appearing must be established
 D. the identity of the person need not be established
 E. there is NO difference
12. If a notary is convicted of a felony he will, as a notary, 12. _____
 be
 A. removed from office B. fined
 C. suspended D. imprisoned
 E. unaffected
13. The privileges of a notary public may be delegated 13. _____
 A. at no time to any person
 B. at all times to certain persons
 C. under certain circumstances
 D. sometimes
 E. when he sees fit and is satisfied to the other person's moral character
14. A notary may refuse to perform the duties of his office 14. _____
 A. only if certain irregularities are present
 B. if the fee cannot be collected
 C. on certain days
 D. at certain hours
 E. at no time and under no circumstance
15. A notary is not authorized to protest any negotiable in- 15. _____
 strument owned by a corporation if he
 A. is a relative of any stockholder
 B. is a relative of any officer
 C. has a financial interest in the instrument
 D. is a stockholder or officer himself
 E. none of the above

16. A notary vacates his office when he _____ 16. _____
 A. resigns
 B. fails to qualify for reappointment
 C. moves from his area of jurisdiction
 D. all of the above
 E. none of the above
17. A notary can administer an oath to _____ 17. _____
 A. a person not personally known to him
 B. a person who does not personally appear before him
 C. a corporation
 D. a partnership
 E. none of the above
18. For any misconduct by a notary public in the performance _____ 18. _____
 of any of his powers, a notary shall be monetarily
 liable to
 A. the parties injured for all damages sustained by them
 B. only to the amount set by law
 C. the state only
 D. the courts only
 E. the notary is not liable
19. A notary may protest for nonpayment of _____ 19. _____
 A. bills of exchange B. drafts
 C. checks D. notes
 E. all of the above
20. The Secretary of State may designate _____ to sign commis- 20. _____
 sions of notaries public.
 A. any notary public
 B. any person in the department of state
 C. any state official
 D. the county clerk of the county in which the notary resides
 E. any county clerk
21. Notarial acts are given force and solemnity by the _____ 21. _____
 A. moral character of the notary
 B. oath of office
 C. public respect for the office
 D. authorization and sanction of statute
 E. commission of office
22. Which of the following acts constitutes a felony? To _____ 22. _____
 A. practice any fraud
 B. certify falsely to the recording of deeds or other
 instruments
 C. deliver as true a certificate containing any statement
 he knows to be false
 D. practice deceit
 E. All of the above

23. Which of the following is NOT a true statement? 23. _____
- A. It is the responsibility of the notary to ascertain the truth of the matters in relation to which he certifies
 - B. The legal presumption that a notary has done his duty is unaffected when he does not recall the circumstances surrounding the oath
 - C. A mere introduction at the time of the execution of the instrument is not sufficient evidence of identity
 - D. The notary must have satisfactory evidence that the person making the acknowledgment is the person who executed it and is described therein
 - E. Printed instruction directing use of a seal on papers for another state, does not mean that a seal may not be used on papers in this state
24. The purpose of the jurat is to give 24. _____
- A. evidence that the oath was properly taken before a duly authorized officer
 - B. the oath proper solemnity
 - C. conclusive evidence of the oath's due administration
 - D. legal presumption that the notary has done his duty
 - E. all of the above
25. Which of the following statements is CORRECT ? 25. _____
- A. A notary can issue certified copies of public records
 - B. A notary may certify to the authenticity of legal documents required to be files with foreign consular officers
 - C. An attorney cannot act as a notary if he hasn't been commissioned as one
 - D. A notary can only give advice on the law; he cannot practice it
 - E. None of the above

KEY (CORRECT ANSWERS)

- | | | | | |
|------|-------|-------|-------|-------|
| 1. B | 6. A | 11. B | 16. D | 21. D |
| 2. B | 7. C | 12. A | 17. A | 22. B |
| 3. D | 8. E | 13. A | 18. A | 23. B |
| 4. B | 9. D | 14. A | 19. E | 24. A |
| 5. D | 10. E | 15. C | 20. B | 25. C |

8. A notary duly appointed for one county may NOT have his certificate filed in another county if he 8. _____
- A. refuses to appear personally before the clerk of the other county
 - B. does NOT comply with the law relating to the filing of his certificate in the other county
 - C. does NOT file within the prescribed period of time
 - D. all of the above
 - E. none of the above
9. A notary is NOT authorized to pass upon the competency of a person under the age of _____ years. 9. _____
- A. 3
 - B. 7
 - C. 12
 - D. 18
 - E. 21
10. State courts regard a notary's violation of duty as 10. _____
- A. serious professional misconduct
 - B. intentional misrepresentation
 - C. malpractice
 - D. malfeasance
 - E. wilful wrongdoing
11. Which of the following declarations is accurate regarding the validity of acts of notaries? 11. _____
- A. A Validation Act declares the validity of acts of notaries public
 - B. A Validation Act relieves a notary from criminal liability
 - C. A Validation Act relieves a notary from civil liability
 - D. Executive Law declares the validity of acts of notaries public
 - E. A Validation Act enlarges the actual authority of notaries public
12. A notary CANNOT act in any case in which he has a 12. _____
- A. financial interest
 - B. personal interest
 - C. professional interest
 - D. business interest
 - E. all of the above
13. A notary employed by a bank may divide his fees with the bank 13. _____
- A. at all times
 - B. when he sees fit
 - C. sometimes
 - D. never
 - E. only when they are collected on bank time
14. The authority which notifies each person so appointed to qualify for the commission is the 14. _____
- A. Secretary of State
 - B. County clerk of the county in which appointee resides
 - C. County clerk of the county in which appointee qualified
 - D. Governor
 - E. Board of Examiners
15. Certification by a notary public that the person named, that appeared before him, and acknowledged to him, that a written release has been executed when neither appearance or signature occurred, constitutes 15. _____
- A. a felony
 - B. a misdemeanor
 - C. perjury
 - D. malpractice
 - E. misconduct

16. An understanding between two or more people is called a(n) 16. _____
 A. declaration B. obligation C. liability
 D. contract E. agreement
17. Besides a notary, which of the following may take an oath 17. _____
 within the area of his authority? A
 A. town official B. designated third person
 C. real estate broker D. banker
 E. justice of the peace
18. A justice of the peace and a notary public 18. _____
 CANNOT BOTH
 A. perform marriages B. take oaths
 C. take acknowledgments D. take affidavits
 E. take depositions
19. Taking an affidavit differs from taking an acknowledgment 19. _____
 in that
 A. it involves the administration of an oath
 B. it involves certification as to the identity and execution
 of the document
 C. the identity of the person appearing must be established
 D. the person's appearance must be voluntary
 E. there is NO difference
20. The use of seals by notaries is required by law 20. _____
 A. at all times B. sometimes
 C. at no time D. when use is requested
 E. rarely
21. At the time application for appointment is filed, a 21. _____
 person MUST be _____ years old.
 A. 16 B. 17 C. 18 D. 21 E. 25
22. A notary may NOT take proof of a written instrument by or 22. _____
 to a corporation if he
 A. is an employee of the corporation
 B. is a stockholder of the corporation
 C. executes the instrument as an individual or representative
 of the corporation
 D. executes the instrument as a representative of the
 corporation
 E. none of the above
23. VERIFICATION means 23. _____
 A. a certified copy
 B. a certificate of acknowledgment
 C. an oath administered by an official to an affiant
 D. a notarization
 E. all of the above

24. A notary is authorized to take a deposition 24. _____
 A. *only* in the county of jurisdiction
 B. *only* in counties where his certificate is filed
 C. *only* within the state
 D. in any state or place of United States sovereignty
 E. in any state or country where laws of nations are not violated
25. A notarial certificate founded upon a presentment and demand, is void, where the note was NOT presented for payment by the 25. _____
 A. endorser B. notary clerk C. notary public
 D. endorsee E. county clerk

KEY (CORRECT ANSWERS)

- | | | | | |
|------|-------|-------|-------|-------|
| 1. D | 6. D | 11. D | 16. E | 21. C |
| 2. E | 7. B | 12. A | 17. E | 22. C |
| 3. D | 8. B | 13. D | 18. A | 23. E |
| 4. B | 9. B | 14. B | 19. A | 24. C |
| 5. E | 10. A | 15. B | 20. C | 25. C |

สถาบันวิทยบริการ
 จุฬาลงกรณ์มหาวิทยาลัย

DELICTUS - A crime.

DEMUR (v.) - To dispute the sufficiency in law of the pleading of the other side.

DEMURRAGE - In maritime law, it means, the sum fixed or allowed as remuneration to the owners of a ship for the detention of their vessel beyond the number of days allowed for loading and unloading or for sailing; also used in railroad terminology.

DENIAL - A form of pleading; refusing to admit the truth of a statement, charge, etc.

DEPONENT - One who gives testimony under oath reduced to writing.

DEPOSITION - Testimony given under oath outside of court for use in court or for the purpose of obtaining information in preparation for trial of a case.

DETERIORATION - A degeneration such as from decay, corrosion or disintegration.

DETIMENT - Any loss or harm to person or property.

DEVIATION - A turning aside.

DEVISE - A gift of real property by the last will and testament of the donor.

DICTUM (sing.)

DICTA (plural) - Any statements made by the court in an opinion concerning some rule of law not necessarily involved nor essential to the determination of the case.

DIRECT EVIDENCE - Evidence that directly proves a fact, without an inference or presumption, and which in itself if true, conclusively establishes that fact.

DIRECT EXAMINATION - The first examination of a witness upon a matter that is not within the scope of a previous examination of the witness.

DISAFFIRM - To repudiate.

DISMISS - In an action or suit, it means to dispose of the case without any further consideration or hearing.

DISSENT - To denote disagreement of one or more judges of a court with the decision passed by the majority upon a case before them.

DOCKET (n.) - A formal record, entered in brief, of the proceedings in a court.

DOCTRINE - A rule, principle, theory of law.

DOMICILE - That place where a man has his true, fixed and permanent home to which whenever he is absent he has the intention of returning.

DRAFT (n.) - A commercial paper ordering payment of money drawn by one person on another.

DRAWEE - The person who is requested to pay the money.

DRAWER - The person who draws the commercial paper and addresses it to the drawee.

DUPLICATE - A counterpart produced by the same impression as the original enlargements and miniatures, or by mechanical or electronic re-recording, or by chemical reproduction, or by other equivalent technique which accurately reproduces the original.

DURESS - Use of force to compel performance or non-performance of an act.

E

EASEMENT - A liberty, privilege, or advantage without profit, in the lands of another.

EGRESS - Act or right of going out or leaving; emergence.

EIUSDEM GENERIS - Of the same kind, class or nature. A rule used in the construction of language in a legal document.

EMBEZZLEMENT - To steal; to appropriate fraudulently to one's own use property entrusted to one's care.

EMBRACERY - Unlawful attempt to influence jurors, etc., but not by offering value.

EMINENT DOMAIN - The right of a state to take private property for public use.

ENACT - To make into a law.

ENDORSEMENT - Act of writing one's name on the back of a note, bill or similar written instrument.

ENJOIN - To require a person, by writ of injunction from a court of equity, to perform or to abstain or desist from some act.

ENTIRETY - The whole; that which the law considers as one whole, and not capable of being divided into parts.

ENTRAPMENT - Inducing one to commit a crime so as to arrest him.

ENUMERATED - Mentioned specifically; designated.

ENURE - To operate or take effect.

EQUITY - In its broadest sense, this term denotes the spirit and the habit of fairness, justness, and right dealing which regulate the conduct of men.

ERROR - A mistake of law, or the false or irregular application of law as will nullify the judicial proceedings.

ESCROW - A deed, bond or other written engagement, delivered to a third person, to be delivered by him only upon the performance or fulfillment of some condition.

ESTATE - The interest which any one has in lands, or in any other subject of property.

ESTOP - To stop, bar, or impede.

ESTOPPEL - A rule of law which prevents a man from alleging or denying a fact, because of his own previous act.

ET AL. (alii) - And others.

ET SEQ. (sequential) - And the following.

ET UX. (uxor) - And wife.

EVIDENCE - Testimony, writings, material objects, or other things presented to the senses that are offered to prove the existence or non-existence of a fact.

Means from which inferences may be drawn as a basis of proof in duly constituted judicial or fact finding tribunals, and includes testimony in the form of opinion and hearsay.

EX CONTRACTU

EX DELICTO - In law, rights and causes of action are divided into two classes, those arising *ex contractu* (from a contract) and those arising *ex delicto* (from a delict or tort).

EX OFFICIO - From office; by virtue of the office.

EX PARTE - On one side only; by or for one.

EX POST FACTO - After the fact.

EX POST FACTO LAW - A law passed after an act was done which retroactively makes such act a crime.

EX REL. (relations) - Upon relation or information.

EXCEPTION - An objection upon a matter of law to a decision made, either before or after judgment by a court.

EXECUTOR (male)

EXECUTRIX (female) - A person who has been appointed by will to execute the will.

EXECUTORY - That which is yet to be executed or performed.

EXEMPT - To release from some liability to which others are subject.

EXONERATION - The removal of a burden, charge or duty.
EXTRADITION - Surrender of a fugitive from one nation to another.

F

F.A.S.-"Free alongside ship";delivery at dock for ship named.
F.O.B.-"Free on board";seller will deliver to car, truck, vessel, or other conveyance by which goods are to be transported, without expense or risk of loss to the buyer or consignee.
FABRICATE - To construct; to invent a false story.
FACSIMILE - An exact or accurate copy of an original instrument.
FACTOR - A commercial agent.
FEASANCE - The doing of an act.
FELONIOUS - Criminal, malicious.
FELONY - Generally, a criminal offense that may be punished by death or imprisonment for more than one year as differentiated from a misdemeanor.
FEME SOLE - A single woman.
FILUCIARY - A person who is invested with rights and powers to be exercised for the benefit of another person.
FIERI FACIAS - A writ of execution commanding the sheriff to levy and collect the amount of a judgment from the goods and chattels of the judgment debtor.
FINDING OF FACT - Determination from proof or judicial notice of the existence of a fact. A ruling implies a supporting finding of fact; no separate or formal finding is required unless required by a statute of this state.
FISCAL - Relating to accounts or the management of revenue.
FORECLOSURE (sale) - A sale of mortgaged property to obtain satisfaction of the mortgage out of the sale proceeds.
FORFEITURE - A penalty; a fine.
FORGERY - Fabricating or producing falsely, counterfeited.
FORTUITOUS - Accidental.
FORUM - A court of justice; a place of jurisdiction.
FRAUD - Deception; trickery.
FREEHOLDER - One who owns real property.
FUNGIBLE - Of such kind or nature that one specimen or part may be used in the place of another.

G

GARNISHEE - Person garnished.
GARNISHMENT - A legal process to reach the money or effects of a defendant, in the possession or control of a third person.
GRAND JURY - Not less than 16, not more than 23 citizens of a county sworn to inquire into crimes committed or triable in the county.
GRANT - To agree to; convey, especially real property.
GRANTEE - The person to whom a grant is made.
GRANTOR - The person by whom a grant is made.
GRATUITOUS - Given without a return, compensation or consideration.
GRAVAMEN - The grievance complained of or the substantial cause of a criminal action.
GUARANTY (n.) - A promise to answer for the payment of some debt, or the performance of some duty, in case of the failure of another person, who, in the first instance, is liable for such payment or performance.
GUARDIAN - The person, committee, or other representative authorized by law to protect the person or estate or both of an incompetent (or of a *sui juris* person having a guardian) and to act for him in matters affecting his person or property or both. An incompetent is a person under disability imposed by law.

GUILTY - Establishment of the fact that one has committed a breach of conduct; especially, a violation of law.

HABEAS CORPUS - You have the body; ^H the name given to a variety of writs having for their object to bring a party before a court or judge for decision as to whether such person is being lawfully held prisoner.

HABENDUM - In conveyancing; it is the clause in a deed conveying land which defines the extent of ownership to be held by the grantee.

HEARING - A proceeding whereby the arguments of the interested parties are heard.

HEARSAY - A type of testimony given by a witness who relates, not what he knows personally, but what others have told him, or what he has heard said by others.

HEARSAY RULE, THE - (a) "Hearsay evidence" is evidence of a statement that was made other than by a witness while testifying at the hearing and that is offered to prove the truth of the matter stated; (b) Except as provided by law, hearsay evidence is inadmissible; (c) This section shall be known and may be cited as the hearsay rule.

HEIR - Generally, one who inherits property, real or personal.

HOLDER OF THE PRIVILEGE - (a) The client when he has no guardian or conservator; (b) A guardian or conservator of the client when the client has a guardian or conservator; (c) The personal representative of the client if the client is dead; (d) A successor, assign, trustee in dissolution, or any similar representative of a firm, association, organization, partnership, business trust, corporation, or public entity that is no longer in existence.

HUNG JURY - One so divided that they can't agree on a verdict.

HUSBAND-WIFE PRIVILEGE - An accused in a criminal proceeding has a privilege to prevent his spouse from testifying against him.

HYPOTHECATE - To pledge a thing without delivering it to the pledgee.

HYPOTHESIS - A supposition, assumption, or theory.

I.E. (id est) - That is.

IB., OR IBID. (ibidem) - In the same place; used to refer to a legal reference previously cited to avoid repeating the entire citation.

ILLICIT - Prohibited; unlawful.

ILLUSORY - Deceiving by false appearance.

IMMUNITY - Exemption.

IMPEACH - To accuse, to dispute.

IMPEDIMENTS - Disabilities, or hindrances.

IMPLEAD - To sue or prosecute by due course of law.

IMPUTED - Attributed or charged to.

IN LOCO PARENTIS - In place of parent, a guardian.

IN TOTO - In the whole; completely.

INCHOATE - Imperfect; unfinished.

INCOMMUNICADO - Denial of the right of a prisoner to communicate with friends or relatives.

INCOMPETENT - One who is incapable of caring for his own affairs because he is mentally deficient or undeveloped.

INCRIMINATION - A matter will incriminate a person if it constitutes, or forms an essential part of, or, taken in connection with other matters disclosed, is a basis for a reasonable inference of such a violation of the laws of this State as to subject him to liability to punishment therefor, unless he has become for any reason permanently immune from punishment for such violation.

INCUMBRANCE - Generally a claim, lien, charge or liability attached to and binding real property.

INDEMNIFY - To secure against loss or damage; also, to make reimbursement to one for a loss already incurred by him.

INDEMNITY - An agreement to reimburse another person in case of an anticipated loss falling upon him.

INDICIA - Signs; indications.

INDICTMENT - An accusation in writing found and presented by a grand jury charging that a person has committed a crime.

INDORSE - To write a name on the back of a legal paper or document, generally, a negotiable instrument

INDUCEMENT - Cause or reason why a thing is done or that which incites the person to do the act or commit a crime; the motive for the criminal act.

INFANT - In civil cases one under 21 years of age.

INFORMATION - A formal accusation of crime made by a prosecuting attorney.

INFRA - Below, under; this word occurring by itself in a publication refers the reader to a future part of the publication.

INGRESS - The act of going into.

INJUNCTION - A writ or order by the court requiring a person, generally, to do or to refrain from doing an act.

INSOLVENT - The condition of a person who is unable to pay his debts.

INSTRUCTION - A direction given by the judge to the jury concerning the law of the case.

INTERIM - In the meantime; time intervening.

INTERLOCUTORY - Temporary, not final; something intervening between the commencement and the end of a suit which decides some point or matter, but is not a final decision of the whole controversy.

INTERROGATORIES - A series of formal written questions used in the examination of a party or a witness usually prior to a trial.

INTESTATE - A person who dies without a will.

INURE - To result, to take effect.

IPSO FACTO - By the fact itself; by the mere fact.

ISSUE (n.) The disputed point or question in a case,

J

JEOPARDY - Danger, hazard, peril.

JOINDER - Joining; uniting with another person in some legal steps or proceeding.

JOINT - United; combined.

JUDGE - Member or members or representative or representatives of a court conducting a trial or hearing at which evidence is introduced.

JUDGMENT - The official decision of a court of justice.

JUDICIAL OR JUDICIARY - Relating to or connected with the administration of justice.

JURAT - The clause written at the foot of an affidavit, stating when, where and before whom such affidavit was sworn.

JURISDICTION - The authority to hear and determine controversies between parties.

JURISPRUDENCE - The philosophy of law.

JURY - A body of persons legally selected to inquire into any matter of fact, and to render their verdict according to the evidence.

L

LACHES - The failure to diligently assert a right, which results in a refusal to allow relief.

LANDLORD AND TENANT - A phrase used to denote the legal relation existing between the owner and occupant of real estate.

GLOSSARY OF LEGAL TERMS

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GLOSSARY OF LEGAL TERMS

- ACTION** - "Action" includes a civil^A action and a criminal action.
- A FORTIORI** - A term meaning you can reason one thing from the existence of certain facts.
- A POSTERIORI** - From what goes after; from effect to cause.
- A PRIORI** - From what goes before; from cause to effect.
- AB INITIO** - From the beginning.
- ABATE** - To diminish or put an end to.
- ABET** - To encourage the commission of a crime.
- ABEYANCE** - Suspension, temporary suppression.
- ABIDE** - To accept the consequences of.
- ABJURE** - To renounce; give up.
- ABRIDGE** - To reduce; contract; diminish.
- ABROGATE** - To annul, repeal, or destroy.
- ABSCOND** - To hide or absent oneself to avoid legal action.
- ABSTRACT** - A summary.
- ABUT** - To border on, to touch.
- ACCESS** - Approach; in real property law it means the right of the owner of property to the use of the highway or road next to his land, without obstruction by intervening property owners.
- ACCESSORY** - In criminal law, it means the person who contributes or aids in the commission of a crime.
- ACCOMMODATED PARTY** - One to whom credit is extended on the strength of another person signing a commercial paper.
- ACCOMMODATION PAPER** - A commercial paper to which the accommodating party has put his name.
- ACCOMPLICE** - In criminal law, it means a person who together with the principal offender commits a crime.
- ACCORD** - An agreement to accept something different or less than that to which one is entitled, which extinguishes the entire obligation.
- ACCOUNT** - A statement of mutual demands in the nature of debt and credit between parties.
- ACCRETION** - The act of adding to a thing; in real property law, it means gradual accumulation of land by natural causes.
- ACCRUE** - To grow to; to be added to.
- ACKNOWLEDGMENT** - The act of going before an official authorized to take acknowledgments, and acknowledging an act as one's own.
- ACQUIESCENCE** - A silent appearance of consent.
- ACQUIT** - To legally determine the innocence of one charged with a crime.
- AD INFINITUM** - Indefinitely.
- AD LITEM** - For the suit.
- AD VALOREM** - According to value.
- ADJECTIVE LAW** - Rules of procedure.
- ADJUDICATION** - The judgment given in a case.
- ADMIRALTY** - Court having jurisdiction over maritime cases.
- ADULT** - Sixteen years old or over (in criminal law).
- ADVANCE** - In commercial law, it means to pay money or render other value before it is due.
- ADVERSE** - Opposed; contrary.
- ADVOCATE** - (v.) To speak in favor of;
(n.) One who assists, defends, or pleads for another.
- AFFIANT** - A person who makes and signs an affidavit.
- AFFIDAVIT** - A written and sworn to declaration of facts, voluntarily made.

AFFINITY- The relationship between persons through marriage with the kindred of each other; distinguished from consanguinity, which is the relationship by blood.

AFFIRM - To ratify; also when an appellate court affirms a judgment, decree, or order, it means that it is valid and right and must stand as rendered in the lower court.

AFOREMENTIONED; AFORESAID - Before or already said.

AGENT - One who represents and acts for another.

AID AND COMFORT - To help; encourage.

ALIAS - A name not one's true name.

ALIBI - A claim of not being present at a certain place at a certain time.

ALLEGE - To assert.

ALLOTMENT - A share or portion.

AMBIGUITY - Uncertainty; capable of being understood in more than one way.

AMENDMENT - Any language made or proposed as a change in some principal writing.

AMICUS CURIAE - A friend of the court; one who has an interest in a case, although not a party in the case, who volunteers advice upon matters of law to the judge. For example, a brief amicus curiae.

AMORTIZATION - To provide for a gradual extinction of (a future obligation) in advance of maturity, especially, by periodical contributions to a sinking fund which will be adequate to discharge a debt or make a replacement when it becomes necessary.

ANCILLARY - Aiding, auxiliary.

ANNOTATION - A note added by way of comment or explanation.

ANSWER - A written statement made by a defendant setting forth the grounds of his defense.

ANTE - Before.

ANTE MORTEM - Before death.

APPEAL - The removal of a case from a lower court to one of superior jurisdiction for the purpose of obtaining a review.

APPEARANCE - Coming into court as a party to a suit.

APPELLANT - The party who takes an appeal from one court or jurisdiction to another (appellate) court for review.

APPELLEE - The party against whom an appeal is taken.

APPROPRIATE - To make a thing one's own.

APPROPRIATION - Prescribing the destination of a thing; the act of the legislature designating a particular fund, to be applied to some object of government expenditure.

APPURTENANT - Belonging to; accessory or incident to.

ARBITER - One who decides a dispute; a referee.

ARBITRARY - Unreasoned; not governed by any fixed rules or standard.

ARGUENDO - By way of argument.

ARRAIGN - To call the prisoner before the court to answer to a charge.

ASSENT - A declaration of willingness to do something in compliance with a request.

ASSERT - Declare.

ASSESS - To fix the rate or amount.

ASSIGN - To transfer; to appoint; to select for a particular purpose.

ASSIGNEE - One who receives an assignment.

ASSIGNOR - One who makes an assignment.

AT BAR - Before the court.
AT ISSUE - When parties in an action come to a point where one asserts something and the other denies it.
ATTACH - Seize property by court order and sometimes arrest a person.
ATTEST - To witness a will, etc.; act of attestation.
AVERTMENT - A positive statement of facts.

B

BAIL - To obtain the release of a person from legal custody by giving security and promising that he shall appear in court; to deliver (goods, etc.) in trust to a person for a special purpose.
BAILEE - One to whom personal property is delivered under a contract of bailment.
BAILMENT - Delivery of personal property to another to be held for a certain purpose and to be returned when the purpose is accomplished.
BAILOR - The party who delivers goods to another, under a contract of bailment.
BANC (OR BANK) - Bench; the place where a court sits permanently or regularly; also the assembly of all the judges of a court.
BANKRUPT - An insolvent person, technically, one declared to be bankrupt after a bankruptcy proceeding.
BAR - The legal profession.
BARRATRY - Exciting groundless judicial proceedings.
BARTER - A contract by which parties exchange goods for other goods.
BATTERY - Illegal interfering with another's person.
BEARER - In commercial law, it means the person in possession of a commercial paper which is payable to the bearer.
BENCH - The court itself or the judge.
BENEFICIARY - A person benefiting under a will, trust, or agreement.
BEST EVIDENCE RULE, THE - Except as otherwise provided by statute, no evidence other than the writing itself is admissible to prove the content of a writing. This section shall be known and may be cited as the best evidence rule.
BEQUEST - A gift of personal property under a will.
BILL - A formal written statement of complaint to a court of justice; also, a draft of an act of the legislature before it becomes a law; also, accounts for goods sold, services rendered, or work done.
BONA FIDE - In or with good faith; honestly.
BOND - An instrument by which the maker promises to pay a sum of money to another, usually providing that upon performances of a certain condition the obligation shall be void.
BOYCOTT - A plan to prevent the carrying on of a business by wrongful means.
BREACH - The breaking or violating of a law, or the failure to carry out a duty.
BRIEF - A written document, prepared by a lawyer to serve as the basis of an argument upon a case in court, usually an appellate court.
BURDEN OF PRODUCING EVIDENCE - The obligation of a party to introduce evidence sufficient to avoid a ruling against him on the issue.
BURDEN OF PROOF - The obligation of a party to establish by evidence a requisite degree of belief concerning a fact in the mind of the trier of fact or the court. The burden of proof may require a party to raise a reasonable doubt concerning the existence or nonexistence of a fact or that he establish the existence or nonexistence of a fact by a preponderance of the evidence, by clear and convincing proof, or by proof beyond a reasonable doubt.
Except as otherwise provided by law, the burden of proof requires proof by a preponderance of the evidence.

BUSINESS, A - Shall include every kind of business, profession, occupation, calling or operation of institutions, whether carried on for profit or not.

BY-LAWS - Regulations, ordinances, or rules enacted by a corporation, association, etc., for its own government.

CANON - A doctrine; also, a law or rule, of a church or association in particular.

CAPIAS - An order to arrest.

CAPTION - In a pleading, deposition or other paper connected with a case in court, it is the heading or introductory clause which shows the names of the parties, name of the court, number of the case on the docket or calendar, etc.

CARRIER - A person or corporation undertaking to transport persons or property.

CASE - A general term for an action, cause, suit, or controversy before a judicial body.

CAUSE - A suit, litigation or action before a court.

CAVEAT EMPTOR - Let the buyer beware. This term expresses the rule that the purchaser of an article must examine, judge, and test it for himself, being bound to discover any obvious defects or imperfections.

CERTIFICATE - A written representation that some legal formality has been complied with.

CERTIORARI - To be informed of; the name of a writ issued by a superior court directing the lower court to send up to the former the record and proceedings of a case.

CHANGE OF VENUE - To remove place of trial from one place to another.

CHARGE - An obligation or duty; a formal complaint; an instruction of the court to the jury upon a case.

CHARTER - (n.) The authority by virtue of which an organized body acts; (v.) in mercantile law, it means to hire or lease a vehicle or vessel for transportation.

CHATTEL - An article of personal property.

CHATTEL MORTGAGE - A mortgage on personal property.

CIRCUIT - A division of the country, for the administration of justice a geographical area served by a court.

CITATION - The act of the court by which a person is summoned or cited also, a reference to legal authority.

CIVIL (ACTIONS) - It indicates the private rights and remedies of individuals in contrast to the word "criminal" (actions) which relates to prosecution for violation of laws.

CLAIM (n.) - Any demand held or asserted as of right.

CODICIL - An addition to a will.

CODIFY - To arrange the laws of a country into a code.

COGNIZANCE - Notice or knowledge.

COLLATERAL - By the side; accompanying; an article or thing given to secure performance of a promise.

COMITY - Courtesy; the practice by which one court follows the decision of another court on the same question.

COMMIT - To perform, as an act; to perpetrate, as a crime; to send a person to prison.

COMMON LAW - As distinguished from law created by the enactment of the legislature (called statutory law), it relates to those principles and rules of action which derive their authority solely from usages and customs of immemorial antiquity, particularly with reference to the ancient unwritten law of England. The written pronouncements of the common law are found in court decisions.

COMMUTE - Change punishment to one less severe.
COMPLAINANT - One who applies to the court for legal redress.
COMPLAINT - The pleading of a plaintiff in a civil action; or a charge that a person has committed a specified offense.
COMPROMISE - An arrangement for settling a dispute by agreement.
CONCUR - To agree, consent.
CONCURRENT - Running together, at the same time.
CONDEMNATION - Taking private property for public use on payment therefor.
CONDITION - Mode or state of being; a qualification or restriction.
CONDUCT - Active and passive behavior; both verbal and nonverbal.
CONFESSION - Voluntary statement of guilt of crime.
CONFIDENTIAL COMMUNICATION BETWEEN CLIENT AND LAWYER - Information transmitted between a client and his lawyer in the course of that relationship and in confidence by a means which, so far as the client is aware, discloses the information to no third persons other than those who are present to further the interest of the client in the consultation or those to whom disclosure is reasonably necessary for the transmission of the information or the accomplishment of the purpose for which the lawyer is consulted, and includes a legal opinion formed and the advice given by the lawyer in the course of that relationship.
CONFRONTATION - Witness testifying in presence of defendant.
CONSANGUINITY - Blood relationship.
CONSIGN - To give in charge; commit; entrust; to send or transmit goods to a merchant, factor, or agent for sale.
CONSIGNEE - One to whom a consignment is made.
CONSIGNOR - One who sends or makes a consignment.
CONSPIRACY - In criminal law, it means an agreement between two or more persons to commit an unlawful act.
CONSPIRATORS - Persons involved in a conspiracy.
CONSTITUTION - The fundamental law of a nation or state.
CONSTRUCTION OF GENDERS - The masculine gender includes the feminine and neuter.
CONSTRUCTION OF SINGULAR AND PLURAL - The singular number includes the plural; and the plural, the singular.
CONSTRUCTION OF TENSES - The present tense includes the past and future tenses; and the future, the present.
CONSTRUCTIVE - An act or condition assumed from other parts or conditions.
CONSTRUE - To ascertain the meaning of language.
CONSUMMATE - To complete.
CONTIGUOUS - Adjoining; touching; bounded by.
CONTINGENT - Possible, but not assured; dependent upon some condition.
CONTINUANCE - The adjournment or postponement of an action pending in a court.
CONTRA - Against, opposed to; contrary.
CONTRACT - An agreement between two or more persons to do or not to do a particular thing.
CONTROVERT - To dispute, deny.
CONVERSION - Dealing with the personal property of another as if it were one's own, without right.
CONVEYANCE - An instrument transferring title to land.
CONVICTION - Generally, the result of a criminal trial which ends in a judgment or sentence that the defendant is guilty as charged.

COOPERATIVE - A cooperative is a voluntary organization of persons with a common interest, formed and operated along democratic lines for the purpose of supplying services at cost to its members and other patrons, who contribute both capital and business.

CORPUS DELICTI - The body of a crime; the crime itself.

CORROBORATE - To strengthen; to add weight by additional evidence.

COUNTERCLAIM - A claim presented by a defendant in opposition to or deduction from the claim of the plaintiff.

COUNTY - Political subdivision of a state.

COVENANT - Agreement.

CREDIBLE - Worthy of belief.

CREDITOR - A person to whom a debt is owing by another person, called the "debtor."

CRIMINAL ACTION - Includes criminal proceedings.

CRIMINAL INFORMATION - Same as complaint.

CRITERION (sing.)

CRITERIA (plural) - A means or tests for judging; a standard or standards.

CROSS-EXAMINATION - Examination of a witness by a party other than the direct examiner upon a matter that is within the scope of the direct examination of the witness.

CULPABLE - Blamable.

CY-PRES - As near as (possible). The rule of *cy-pres* is a rule for the construction of instruments in equity by which the intention of the party is carried out *as near as may be*, when it would be impossible or illegal to give it literal effect.

D

DAMAGES - A monetary compensation, which may be recovered in the courts by any person who has suffered loss, or injury, whether to his person, property or rights through the unlawful act or omission or negligence of another.

DECLARANT - A person who makes a statement.

DE FACTO - In fact; actually but without legal authority.

DE JURE - Of right; legitimate; lawful.

DE MINIMIS - Very small or trifling.

DE NOVO - Anew; afresh; a second time.

DEBT - A specified sum of money owing to one person from another, including not only the obligation of the debtor to pay, but the right of the creditor to receive and enforce payment.

DECEDENT - A dead person.

DECISION - A judgment or decree pronounced by a court in determination of a case.

DECREE - An order of the court, determining the rights of all parties to a suit.

DEED - A writing containing a contract sealed and delivered; particularly to convey real property.

DEFALCATION - Misappropriation of funds.

DEFAMATION - Injuring one's reputation by false statements.

DEFAULT - The failure to fulfill a duty, observe a promise, discharge an obligation, or perform an agreement.

DEFENDANT - The person defending or denying; the party against whom relief or recovery is sought in an action or suit.

DEFRAUD - To practice fraud; to cheat or trick.

DELEGATE (v.) - To entrust to the care or management of another.

LARCENY - Stealing personal property belonging to another.

LATENT - Hidden; that which does not appear on the face of a thing.

LAW - Includes constitutional, statutory, and decisional law.

LAWYER-CLIENT PRIVILEGE - (1) A "client" is a person, public officer, or corporation, association, or other organization or entity, either public or private, who is rendered professional legal services by a lawyer, or who consults a lawyer with a view to obtaining professional legal services from him; (2) A "lawyer" is a person authorized, or reasonably believed by the client to be authorized, to practice law in any state or nation; (3) A "representative of the lawyer" is one employed to assist the lawyer in the rendition of professional legal services; (4) A communication is "confidential" if not intended to be disclosed to third persons other than those to whom disclosure is in furtherance of the rendition of professional legal services to the client or those reasonably necessary for the transmission of the communication.

General rule of privilege- A client has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made for the purpose of facilitating the rendition of professional legal services to the client, (1) between himself or his representative and his lawyer or his lawyer's representative, or (2) between his lawyer and the lawyer's representative, or (3) by him or his lawyer to a lawyer representing another in a matter of common interest, or (4) between representatives of the client or between the client and a representative of the client, or (5) between lawyers representing the client.

LEADING QUESTION - Question that suggests to the witness the answer that the examining party desires.

LEASE - A contract by which one conveys real estate for a limited time usually for a specified rent; personal property also may be leased.

LEGISLATION - The act of enacting laws.

LEGITIMATE - Lawful.

LESSEE - One to whom a lease is given.

LESSOR - One who grants a lease

LEVY - A collecting or exacting by authority.

LIABLE - Responsible; bound or obligated in law or equity.

LIBEL (v.) - To defame or injure a person's reputation by a published writing.

(n.) - The initial pleading on the part of the plaintiff in an admiralty proceeding.

LIEN - A hold or claim which one person has upon the property of another as a security for some debt or charge.

LIQUIDATED - Fixed; settled.

LIS PENDENS - A pending civil or criminal action.

LITERAL - According to the language.

LITIGANT - A party to a lawsuit.

LITIGATION - A judicial controversy.

LOCUS - A place.

LOCUS DELICTI - Place of the crime.

LOCUS POENITENTIAE - The abandoning or giving up of one's intention to commit some crime before it is fully completed or abandoning a conspiracy before its purpose is accomplished.

M

MALFEASANCE - To do a wrongful act.
MALICE - The doing of a wrongful act intentionally without just cause or excuse.
MANDAMUS - The name of a writ issued by a court to enforce the performance of some public duty.
MANDATORY (adj.) Containing a command.
MARITIME - Pertaining to the sea or to commerce thereon.
MARSHALING - Arranging or disposing of in order.
MAXIM - An established principle or proposition.
MINISTERIAL - That which involves obedience to instruction, but demands no special discretion, judgment or skill.
MISAPPROPRIATE - Dealing fraudulently with property entrusted to one.
MISDEMEANOR - A crime less than a felony and punishable by a fine or imprisonment for less than one year.
MISFEASANCE - Improper performance of a lawful act.
MISREPRESENTATION - An untrue representation of facts.
MITIGATE - To make or become less severe, harsh.
MITTIMUS - A warrant of commitment to prison.
MOOT (adj.) Unsettled, undecided, not necessary to be decided.
MORTGAGE - A conveyance of property upon condition, as security for the payment of a debt or the performance of a duty, and to become void upon payment or performance according to the stipulated terms.
MORTGAGEE - A person to whom property is mortgaged.
MORTGAGOR - One who gives a mortgage.
MOTION - In legal proceedings, a "motion" is an application, either written or oral, addressed to the court by a party to an action or a suit requesting the ruling of the court on a matter of law.
MUTUALITY - Reciprocation.

N

NEGLIGENCE - The failure to exercise that degree of care which an ordinarily prudent person would exercise under like circumstances.
NEGOTIABLE (instrument) - Any instrument obligating the payment of money which is transferable from one person to another by endorsement and delivery or by delivery only.
NEGOTIATE - To transact business; to transfer a negotiable instrument; to seek agreement for the amicable disposition of a controversy or case.
NOLE PROSEQUI - A formal entry upon the record, by the plaintiff in a civil suit or the prosecuting officer in a criminal action, by which he declares that he "will no further prosecute" the case.
NOLO CONTENDERE - The name of a plea in a criminal action, having the same effect as a plea of guilty; but not constituting a direct admission of guilt.
NOMINAL - Not real or substantial.
NOMINAL DAMAGES - Award of a trifling sum where no substantial injury is proved to have been sustained.
NONFEASANCE - Neglect of duty.
NOVATION - The substitution of a new debt or obligation for an existing one.
NUNC PRO TUNC - A phrase applied to acts allowed to be done after the time when they should be done, with a retroactive effect. ("Now for then.")

Q

OATH - Oath includes affirmation or declaration under penalty of perjury.
OBITER DICTUM - Opinion expressed by a court on a matter not essentially involved in a case and hence not a decision; also called dicta, if plural.

OBJECT (v.) - To oppose as improper or illegal and referring the question of its propriety or legality to the court.

OBLIGATION - A legal duty, by which a person is bound to do or not to do a certain thing.

OBLIGEE - The person to whom an obligation is owed.

OBLIGOR - The person who is to perform the obligation.

OFFER (v.) - To present for acceptance or rejection.

(n.) - A proposal to do a thing, usually a proposal to make a contract.

OFFICIAL INFORMATION - Information within the custody or control of a department or agency of the government the disclosure of which is shown to be contrary to the public interest.

OFFSET - A deduction.

ONUS PROBANDI - Burden of proof.

OPINION - The statement by a judge of the decision reached in a case, giving the law as applied to the case and giving reasons for the judgment; also a belief or view.

OPTION - The exercise of the power of choice; also a privilege existing in one person, for which he has paid money, which gives him the right to buy or sell real or personal property at a given price within a specified time.

ORDER - A rule or regulation; every direction of a court or judge made or entered in writing but not including a judgment.

ORDINANCE - Generally, a rule established by authority; also commonly used to designate the legislative acts of a municipal corporation.

ORIGINAL - Writing or recording itself or any counterpart intended to have the same effect by a person executing or issuing it. An "original" of a photograph includes the negative or any print therefrom. If data are stored in a computer or similar device, any printout or other output readable by sight, shown to reflect the data accurately, is an "original."

OVERT - Open, manifest.

PANEL - A group of jurors selected to serve during a term of the court.

PARENS PATRIAE - Sovereign power of a state to protect or be a guardian over children and incompetents.

PAROL - Oral or verbal.

PAROLE - To release one in prison before the expiration of his sentence, conditionally.

PARITY - Equality in purchasing power between the farmer and other segments of the economy.

PARTITION - A legal division of real or personal property between one or more owners.

PARTNERSHIP - An association of two or more persons to carry on as co-owners a business for profit.

PATENT (adj.) - Evident.

(n.) - A grant of some privilege, property, or authority, made by the government or sovereign of a country to one or more individuals.

PECULATION - Stealing.

PECUNIARY - Monetary.

PENULTIMATE - Next to the last.

PER CURIAM - A phrase used in the report of a decision to distinguish an opinion of the whole court from an opinion written by any one judge.

PER SE - In itself; taken alone.

PERCEIVE - To acquire knowledge through one's senses.

PEREMPTORY - Imperative; absolute.

PERJURY - To lie or state falsely under oath.

PERPETUITY - Perpetual existence; also the quality or condition of an estate limited so that it will not take effect or vest within the period fixed by law.

PERSON - Includes a natural person, firm, association, organization, partnership, business trust, corporation, or public entity.

PERSONAL PROPERTY - Includes money, goods, chattels, things in action, and evidences of debt.

PERSONALTY - Short term for personal property.

PETITION - An application in writing for an order of the court, stating the circumstances upon which it is founded and requesting any order or other relief from a court.

PLAINTIFF - A person who brings a court action.

PLEA - A pleading in a suit or action.

PLEADINGS - Formal allegations made by the parties of their respective claims and defenses, for the judgment of the court.

PLEDGE - A deposit of personal property as a security for the performance of an act.

PLEDGEE - The party to whom goods are delivered in pledge.

PLEDGOR - The party delivering goods in pledge.

PLENARY - Full; complete.

POLICE POWER - Inherent power of the state or its political subdivisions to enact laws within constitutional limits to promote the general welfare of society or the community.

POLLING THE JURY - Call the names of persons on a jury and requiring each juror to declare what his verdict is before it is legally recorded.

POST MORTEM - After death.

POWER OF ATTORNEY - A writing authorizing one to act for another.

PRECEPT - An order, warrant, or writ issued to an officer or body of officers, commanding him or them to do some act within the scope of his or their powers.

PRELIMINARY FACT - Fact upon the existence or nonexistence of which depends the admissibility or inadmissibility of evidence. The phrase "the admissibility or inadmissibility of evidence" includes the qualification or disqualification of a person to be a witness and the existence or nonexistence of a privilege.

PREPONDERANCE - Outweighing.

PRESENTMENT - A report by a grand jury on something they have investigated on their own knowledge.

RESUMPTION - An assumption of fact resulting from a rule of law which requires such fact to be assumed from another fact or group of facts found or otherwise established in the action.

PRIMA FACIE - At first sight.

PRIMA FACIE CASE - A case where the evidence is very patent against the defendant.

PRINCIPAL - The source of authority or rights; a person primarily liable as differentiated from "principle" as a primary or basic doctrine.

PRO AND CON - For and against.

PRO RATA - Proportionally.

PROBATE - Relating to proof, especially to the proof of wills.

PROBATIVE - Tending to prove.

PROCEDURE - In law, this term generally denotes rules which are established by the Federal, State, or local Governments regarding the types of pleading and courtroom practice which must be followed by the parties involved in a criminal or civil case.

PROCLAMATION - A public notice by an official of some order, intended action, or state of facts.
PROFFERED EVIDENCE - The admissibility or inadmissibility of which is dependent upon the existence or nonexistence of a preliminary fact.
PROMISSORY (NOTE) - A promise in writing to pay a specified sum at an expressed time, or on demand, or at sight, to a named person, or to his order, or bearer.
PROOF - The establishment by evidence of a requisite degree of belief concerning a fact in the mind of the trier of fact or the court.
PROPERTY - Includes both real and personal property.
PROPRIETARY (adj.) - Relating or pertaining to ownership; usually a single owner.
PROSECUTE - To carry on an action or other judicial proceeding; to proceed against a person criminally.
PROVISO - A limitation or condition in a legal instrument.
PROXIMATE - Immediate; nearest
PUBLIC EMPLOYEE - An officer, agent, or employee of a public entity.
PUBLIC ENTITY - Includes a national, state, county, city and county, city, district, public authority, public agency, or any other political subdivision or public corporation, whether foreign or domestic.
PUBLIC OFFICIAL - Includes an official of a political subdivision of such state or territory and of a municipality.
PUNITIVE - Relating to punishment.

Q

QUASH - To make void.
QUASI - As if; as it were.
QUID PRO QUO - Something for something; the giving of one valuable thing for another.
QUITCLAIM (v.) - To release or relinquish claim or title to, especially in deeds to realty.
QUO WARRANTO - A legal procedure to test an official's right to a public office or the right to hold a franchise, or to hold an office in a domestic corporation.

R

RATIFY - To approve and sanction.
REAL PROPERTY - Includes lands, tenements, and hereditaments.
REALTY - A brief term for real property.
REBUT - To contradict; to refute, especially by evidence and arguments.
RECEIVER - A person who is appointed by the court to receive, and hold in trust property in litigation.
RECIDIVIST - Habitual criminal.
RECIPROCAL - Mutual.
RECOUPMENT - To keep back or get something which is due; also, it is the right of a defendant to have a deduction from the amount of the plaintiff's damages because the plaintiff has not fulfilled his part of the same contract.
RE CROSS EXAMINATION - Examination of a witness by a cross-examiner subsequent to a redirect examination of the witness.
REDEEM - To release an estate or article from mortgage or pledge by paying the debt for which it stood as security.
REDIRECT EXAMINATION - Examination of a witness by the direct examiner subsequent to the cross-examination of the witness.
REFEREE - A person to whom a cause pending in a court is referred by the court, to take testimony, hear the parties, and report thereon to the court.

REFERENDUM - A method of submitting an important legislative or administrative matter to a direct vote of the people.

RELEVANT EVIDENCE - Evidence including evidence relevant to the credibility of a witness or hearsay declarant, having any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the action.

REMAND - To send a case back to the lower court from which it came, for further proceedings.

REPLEVIN - An action to recover goods or chattels wrongfully taken or detained.

REPLY (REPLICATION) - Generally, a reply is what the plaintiff or other person who has instituted proceedings says in answer to the defendant's case.

RE JUDICATA - A thing judicially acted upon or decided.

RES ADJUDICATA - Doctrine that an issue or dispute litigated and determined in a case between the opposing parties is deemed permanently decided between these parties.

RESCIND (RECISSION) - To avoid or cancel a contract.

RESPONDENT - A defendant in a proceeding in chancery or admiralty; also, the person who contends against the appeal in a case.

RESTITUTION - In equity, it is the restoration of both parties to their original condition (when practicable), upon the rescission of a contract for fraud or similar cause.

RETROACTIVE (RETROSPECTIVE) - Looking back; effective as of a prior time.

REVERSED - A term used by appellate courts to indicate that the decision of the lower court in the case before it has been set aside.

REVOKE - To recall or cancel.

RIPARIAN (RIGHTS) - The rights of a person owning land containing or bordering on a water course or other body of water, such as lakes and rivers.

S

SALE - A contract whereby the ownership of property is transferred from one person to another for a sum of money or for any consideration.

SANCTION - A penalty or punishment provided as a means of enforcing obedience to a law; also, an authorization.

SATISFACTION - The discharge of an obligation by paying a party what is due to him; or what is awarded to him by the judgment of a court or otherwise.

SCIENTER - Knowingly; also, it is used in pleading to denote the defendant's guilty knowledge.

SCINTILLA - A spark; also the least particle.

SECRET OF STATE - Governmental secret relating to the national defense or the international relations of the United States.

SECURITY - Indemnification; the term is applied to an obligation, such as a mortgage or deed of trust, given by a debtor to insure the payment or performance of his debt, by furnishing the creditor with a resource to be used in case of the debtor's failure to fulfill the principal obligation.

SENTENCE - The judgment formally pronounced by the court or judge upon the defendant after his conviction in a criminal prosecution.

SET-OFF - A claim or demand which one party in an action credits against the claim of the opposing party.

SHALL and MAY - "Shall" is mandatory and "may" is permissive.

SITUS - Location.

SOVEREIGN - A person, body or state in which independent and supreme authority is vested.

STARE DECISIS - To follow decided cases.

STATE - "State" means this State, unless applied to the different part of the United States. In the latter case, it includes any state, district, commonwealth, territory or insular possession of the United States, including the District of Columbia.

STATEMENT - (a) Oral or written verbal expression or (b) nonverbal conduct of a person intended by him as a substitute for oral or written verbal expression.

STATUTE - An act of the legislature. Includes a treaty.

STATUTE OF LIMITATION - A statute limiting the time to bring an action after the right of action has arisen.

STAY - To hold in abeyance an order of a court.

STIPULATION - Any agreement made by opposing attorneys regulating any matter incidental to the proceedings or trial.

SUBORDINATION (AGREEMENT) - An agreement making one's rights inferior to or of a lower rank than another's.

SUBORNATION - The crime of procuring a person to lie or to make false statements to a court.

SUBPOENA - A writ or order directed to a person, and requiring his attendance at a particular time and place to testify as a witness.

SUBPOENA DUCES TECUM - A subpoena used, not only for the purpose of compelling witnesses to attend in court, but also requiring them to bring with them books or documents which may be in their possession, and which may tend to elucidate the subject matter of the trial.

SUBROGATION - The substituting of one for another as a creditor, the new creditor succeeding to the former's rights.

SUBSIDY - A government grant to assist a private enterprise deemed advantageous to the public.

SUI GENERIS - Of the same kind.

SUIT - Any civil proceeding by a person or persons against another or others in a court of justice by which the plaintiff pursues the remedy afforded him by law.

SUMMONS - A notice to a defendant that an action against him has been commenced and requiring him to appear in court and answer the complaint.

SUPRA - Above; this word occurring by itself in a book refers the reader to a previous part of the book.

SURETY - A person who binds himself for the payment of a sum of money, or for the performance of something else, for another.

SURPLUSAGE - Extraneous or unnecessary matter.

SURVIVORSHIP - A term used when a person becomes entitled to property by reason of his having survived another person who had an interest in the property.

SUSPEND SENTENCE - Hold back a sentence pending good behavior of prisoner.

SYLLABUS - A note prefixed to a report, especially a case, giving a brief statement of the court's ruling on different issues of the case.

^T
TALESMAN - Person summoned to fill a panel of jurors.

TENANT - One who holds or possesses lands by any kind of right or title also, one who has the temporary use and occupation of real property of another person (landlord), the duration and terms of his tenancy being usually fixed by an instrument called "a lease."

TENDER - An offer of money; an expression of willingness to perform a contract according to its terms.
TERM - When used with reference to a court, it signifies the period of time during which the court holds a session, usually of several weeks or months duration.
TESTAMENTARY - Pertaining to a will or the administration of a will.
TESTATOR (male)
TESTATRIX(female) - One who makes or has made a testament or will.
TESTIFY (TESTIMONY) - To give evidence under oath as a witness.
TO WIT - That is to say; namely.
TORT - Wrong; injury to the person.
TRANSITORY - Passing from place to place.
TRESPASS - Entry into another's ground, illegally.
TRIAL - The examination of a cause, civil or criminal, before a judge who has jurisdiction over it, according to the laws of the land.
TRIER OF FACT - Includes (a) the jury and (b) the court when the court is trying an issue of fact other than one relating to the admissibility of evidence.
TRUST - A right of property, real or personal, held by one party for the benefit of another.
TRUSTEE - One who lawfully holds property in custody for the benefit of another.

U

UNAVAILABLE AS A WITNESS - The declarant is (1) Exempted or precluded on the ground of privilege from testifying concerning the matter to which his statement is relevant; (2) Disqualified from testifying to the matter; (3) Dead or unable to attend or to testify at the hearing because of then existing physical or mental illness or infirmity; (4) Absent from the hearing and the court is unable to compel his attendance by its process; or (5) Absent from the hearing and the proponent of his statement has exercised reasonable diligence but has been unable to procure his attendance by the court's process.
ULTRA VIRES - Acts beyond the scope and power of a corporation, association, etc.
UNILATERAL - One-sided; obligation upon, or act of one party.
USURY - Unlawful interest on a loan.

V

VACATE - To set aside; to move out.
VARIANCE - A discrepancy or disagreement between two instruments or two aspects of the same case, which by law should be consistent.
VENDEE - A purchaser or buyer.
VENDOR - The person who transfers property by sale, particularly real estate; the term "seller" is used more commonly for one who sells personal property.
VENIREMEN - Persons ordered to appear to serve on a jury or composing a panel of jurors.
VENUE - The place at which an action is tried, generally based on locality or judicial district in which an injury occurred or a material fact happened.
VERDICT - The formal decision or finding of a jury.
VERIFY - To confirm or substantiate by oath.
VEST - To accrue to.
VOID - Having no legal force or binding effect.
VOIR DIRE - Preliminary examination of a witness or a juror to test competence, interest, prejudice, etc.

W

WAIVE - To give up a right.

WAIVER - The intentional or voluntary relinquishment of a known right.

WARRANT (WARRANTY) (v.) - To promise that a certain fact or state of facts, in relation to the subject matter, is, or shall be, as it is represented to be.

WARRANT (n.) - A writ issued by a judge, or other competent authority, addressed to a sheriff, or other officer, requiring him to arrest the person therein named, and bring him before the judge or court to answer or be examined regarding the offense with which he is charged.

WRIT - An order or process issued in the name of the sovereign or in the name of a court or judicial officer, commanding the performance or nonperformance of some act.

WRITING - Handwriting, typewriting, printing, photostating, photographing and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof.

WRITINGS AND RECORDINGS - Consists of letters, words, or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photographing, magnetic impulse, mechanical or electronic recording, or other form of data compilation.

Y

YEA AND NAY - Yes and no.

YELLOW DOG CONTRACT - A contract by which employer requires employee to sign an instrument promising as condition that he will not join a union during its continuance, and will be discharged if he does join.

Z

ZONING - The division of a city by legislative regulation into districts and the prescription and application in each district of regulations having to do with structural and architectural designs of buildings and of regulations prescribing use to which buildings within designated districts may be put.

สถาบันวิทยบริการ
จุฬาลงกรณ์มหาวิทยาลัย

ANSWER SHEET

TEST NO. _____ PART _____ TITLE OF POSITION _____ (AS GIVEN IN EXAMINATION ANNOUNCEMENT - INCLUDE OPTION, IF ANY)

PLACE OF EXAMINATION _____ DATE _____
(CITY OR TOWN) (STATE)

RATING

USE THE SPECIAL PENCIL. MAKE GLOSSY BLACK MARKS.

1	A	B	C	D	E	26	A	B	C	D	E	51	A	B	C	D	E	76	A	B	C	D	E	101	A	B	C	D	E
2	A	B	C	D	E	27	A	B	C	D	E	52	A	B	C	D	E	77	A	B	C	D	E	102	A	B	C	D	E
3	A	B	C	D	E	28	A	B	C	D	E	53	A	B	C	D	E	78	A	B	C	D	E	103	A	B	C	D	E
4	A	B	C	D	E	29	A	B	C	D	E	54	A	B	C	D	E	79	A	B	C	D	E	104	A	B	C	D	E
5	A	B	C	D	E	30	A	B	C	D	E	55	A	B	C	D	E	80	A	B	C	D	E	105	A	B	C	D	E
6	A	B	C	D	E	31	A	B	C	D	E	56	A	B	C	D	E	81	A	B	C	D	E	106	A	B	C	D	E
7	A	B	C	D	E	32	A	B	C	D	E	57	A	B	C	D	E	82	A	B	C	D	E	107	A	B	C	D	E
8	A	B	C	D	E	33	A	B	C	D	E	58	A	B	C	D	E	83	A	B	C	D	E	108	A	B	C	D	E
9	A	B	C	D	E	34	A	B	C	D	E	59	A	B	C	D	E	84	A	B	C	D	E	109	A	B	C	D	E
10	A	B	C	D	E	35	A	B	C	D	E	60	A	B	C	D	E	85	A	B	C	D	E	110	A	B	C	D	E

Make only ONE mark for each answer. Additional and stray marks may be counted as mistakes. In making corrections, erase errors COMPLETELY.

11	A	B	C	D	E	36	A	B	C	D	E	61	A	B	C	D	E	86	A	B	C	D	E	111	A	B	C	D	E
12	A	B	C	D	E	37	A	B	C	D	E	62	A	B	C	D	E	87	A	B	C	D	E	112	A	B	C	D	E
13	A	B	C	D	E	38	A	B	C	D	E	63	A	B	C	D	E	88	A	B	C	D	E	113	A	B	C	D	E
14	A	B	C	D	E	39	A	B	C	D	E	64	A	B	C	D	E	89	A	B	C	D	E	114	A	B	C	D	E
15	A	B	C	D	E	40	A	B	C	D	E	65	A	B	C	D	E	90	A	B	C	D	E	115	A	B	C	D	E
16	A	B	C	D	E	41	A	B	C	D	E	66	A	B	C	D	E	91	A	B	C	D	E	116	A	B	C	D	E
17	A	B	C	D	E	42	A	B	C	D	E	67	A	B	C	D	E	92	A	B	C	D	E	117	A	B	C	D	E
18	A	B	C	D	E	43	A	B	C	D	E	68	A	B	C	D	E	93	A	B	C	D	E	118	A	B	C	D	E
19	A	B	C	D	E	44	A	B	C	D	E	69	A	B	C	D	E	94	A	B	C	D	E	119	A	B	C	D	E
20	A	B	C	D	E	45	A	B	C	D	E	70	A	B	C	D	E	95	A	B	C	D	E	120	A	B	C	D	E
21	A	B	C	D	E	46	A	B	C	D	E	71	A	B	C	D	E	96	A	B	C	D	E	121	A	B	C	D	E
22	A	B	C	D	E	47	A	B	C	D	E	72	A	B	C	D	E	97	A	B	C	D	E	122	A	B	C	D	E
23	A	B	C	D	E	48	A	B	C	D	E	73	A	B	C	D	E	98	A	B	C	D	E	123	A	B	C	D	E
24	A	B	C	D	E	49	A	B	C	D	E	74	A	B	C	D	E	99	A	B	C	D	E	124	A	B	C	D	E
25	A	B	C	D	E	50	A	B	C	D	E	75	A	B	C	D	E	100	A	B	C	D	E	125	A	B	C	D	E

ANSWER SHEET

TEST NO. _____ PART _____ TITLE OF POSITION _____
(AS GIVEN IN EXAMINATION ANNOUNCEMENT - INCLUDE OPTION, IF ANY)

PLACE OF EXAMINATION _____ DATE _____
(CITY OR TOWN) (STATE)

RATING

USE THE SPECIAL PENCIL. MAKE GLOSSY BLACK MARKS.

1	A	B	C	D	E	26	A	B	C	D	E	51	A	B	C	D	E	76	A	B	C	D	E	101	A	B	C	D	E
2	A	B	C	D	E	27	A	B	C	D	E	52	A	B	C	D	E	77	A	B	C	D	E	102	A	B	C	D	E
3	A	B	C	D	E	28	A	B	C	D	E	53	A	B	C	D	E	78	A	B	C	D	E	103	A	B	C	D	E
4	A	B	C	D	E	29	A	B	C	D	E	54	A	B	C	D	E	79	A	B	C	D	E	104	A	B	C	D	E
5	A	B	C	D	E	30	A	B	C	D	E	55	A	B	C	D	E	80	A	B	C	D	E	105	A	B	C	D	E
6	A	B	C	D	E	31	A	B	C	D	E	56	A	B	C	D	E	81	A	B	C	D	E	106	A	B	C	D	E
7	A	B	C	D	E	32	A	B	C	D	E	57	A	B	C	D	E	82	A	B	C	D	E	107	A	B	C	D	E
8	A	B	C	D	E	33	A	B	C	D	E	58	A	B	C	D	E	83	A	B	C	D	E	108	A	B	C	D	E
9	A	B	C	D	E	34	A	B	C	D	E	59	A	B	C	D	E	84	A	B	C	D	E	109	A	B	C	D	E
10	A	B	C	D	E	35	A	B	C	D	E	60	A	B	C	D	E	85	A	B	C	D	E	110	A	B	C	D	E

Make only ONE mark for each answer. Additional and stray marks may be counted as mistakes. In making corrections, erase errors COMPLETELY.

11	A	B	C	D	E	36	A	B	C	D	E	61	A	B	C	D	E	86	A	B	C	D	E	111	A	B	C	D	E
12	A	B	C	D	E	37	A	B	C	D	E	62	A	B	C	D	E	87	A	B	C	D	E	112	A	B	C	D	E
13	A	B	C	D	E	38	A	B	C	D	E	63	A	B	C	D	E	88	A	B	C	D	E	113	A	B	C	D	E
14	A	B	C	D	E	39	A	B	C	D	E	64	A	B	C	D	E	89	A	B	C	D	E	114	A	B	C	D	E
15	A	B	C	D	E	40	A	B	C	D	E	65	A	B	C	D	E	90	A	B	C	D	E	115	A	B	C	D	E
16	A	B	C	D	E	41	A	B	C	D	E	66	A	B	C	D	E	91	A	B	C	D	E	116	A	B	C	D	E
17	A	B	C	D	E	42	A	B	C	D	E	67	A	B	C	D	E	92	A	B	C	D	E	117	A	B	C	D	E
18	A	B	C	D	E	43	A	B	C	D	E	68	A	B	C	D	E	93	A	B	C	D	E	118	A	B	C	D	E
19	A	B	C	D	E	44	A	B	C	D	E	69	A	B	C	D	E	94	A	B	C	D	E	119	A	B	C	D	E
20	A	B	C	D	E	45	A	B	C	D	E	70	A	B	C	D	E	95	A	B	C	D	E	120	A	B	C	D	E
21	A	B	C	D	E	46	A	B	C	D	E	71	A	B	C	D	E	96	A	B	C	D	E	121	A	B	C	D	E
22	A	B	C	D	E	47	A	B	C	D	E	72	A	B	C	D	E	97	A	B	C	D	E	122	A	B	C	D	E
23	A	B	C	D	E	48	A	B	C	D	E	73	A	B	C	D	E	98	A	B	C	D	E	123	A	B	C	D	E
24	A	B	C	D	E	49	A	B	C	D	E	74	A	B	C	D	E	99	A	B	C	D	E	124	A	B	C	D	E
25	A	B	C	D	E	50	A	B	C	D	E	75	A	B	C	D	E	100	A	B	C	D	E	125	A	B	C	D	E

NOTARIAL CERTIFICATE

This is to certify that _____, who is authorized to sign to the attached document on behalf of GLASS ENGINEERING CORPORATION, * * * * * affixed his ~~(her)~~ signature(s) in my very presence to the attached document.

Dated this third day of February, 1994.



Hideo Suenaga

Hideo Suenaga

NOTARY

1-2, MARUNOUCHI 2-CHOME,
CHIYODA-KU, TOKYO, JAPAN

ATTACHED TO

TOKYO LEGAL AFFAIRS BUREAU

สถาบันวิจัยประชากร
จุฬาลงกรณ์มหาวิทยาลัย



NOTARIAL CERTIFICATE

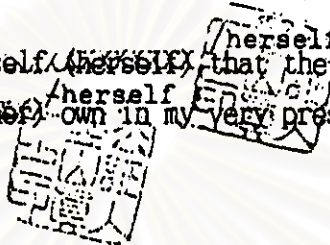
This is to certify that

* * * * *

* *

* *

acknowledged ~~himself (herself)~~ ^{herself} that the signature on the attached document is ~~his (her)~~ ^{herself} own in my very presence.



Dated this 30th day of March, 1994.



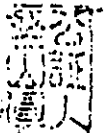
Shinichi Tateyama

Shinichi Tateyama

NOTARY

1-2, MARUNOUCHI 2-CHOME,
CHIYODA-KU, TOKYO, JAPAN

ATTACHED TO
TOKYO LEGAL AFFAIRS BUREAU



สถาบันวิทยบริการ
จุฬาลงกรณ์มหาวิทยาลัย

Handwritten notes and stamps at the bottom left, including a date stamp that appears to be 1/31.

**NOTARY STATEMENT
(ACKNOWLEDGEMENT)—INDIVIDUAL (10-09)**

Many of the documents used throughout this book, and others from banks, government agencies, etc. require that the people who sign them have their signatures notarized by a Notary Public. Not all states use the title Notary Public. For example, in Pennsylvania this person is called a Prothonotary. But whatever name is used, it is always an individual who is licensed by the state to authenticate signatures.

**NOTARY STATEMENT
(ACKNOWLEDGEMENT)—INDIVIDUAL**

1. The state and county where the Acknowledgement is being taken.

STATE OF ___[1]___, COUNTY OF ___[1]___, ss.:

2. The date of the Acknowledgement.

On ___[2]___, 19___, before me

3. The title of the person notarizing the Acknowledgement, i.e. Notary Public.

___[3]___ personally came

4. The name of the person whose signature is being notarized.

___[4]___, to me known, and known to me to be the individual(s) described in and who executed the foregoing ___[5]___, and duly acknowledged to me that (he)(she)(they) executed the same.

5. A description of the document that has the signature, i.e. General Release, Power of Attorney, etc.

[6]

6. The signature, stamp or seal of the Notary Public.

[SEAL]

สถาบันวิทยบริการ
จุฬาลงกรณ์มหาวิทยาลัย

**NOTARY STATEMENT
(ACKNOWLEDGEMENT)—CORPORATION (10-10)**

This Acknowledgement is used in the same manner and for the same purpose as the preceding Notary Statement (Acknowledgment)—Individual, except that this form is used when a corporation must have the signature of one of its officers notarized.

**NOTARY STATEMENT
(ACKNOWLEDGEMENT)—CORPORATION**

1. The state and county where the Acknowledgement is being taken.

STATE OF ___[1]___, COUNTY OF ___[1]___, ss. r

2. The date of the Acknowledgement.

On ___[2]___, 19___, before me
___[3]___, personally came
___[4]___, to me known, who by me duly
sworn, did depose and say that deponent resides at

3. The title of the person taking the Acknowledgement, i.e. Notary Public.

___[5]___, that deponent is the
___[6]___, of ___[7]___, the
corporation described in and which executed the foregoing

4. The name of the person whose signature is being notarized (the Deponent).

___[8]___, [9] *that deponent knows the seal of
the corporation, that the seal affixed is the corporate seal,
that the seal was affixed by order of the Board of
___[10]___ of the corporation*, and that
deponent signed his name to the foregoing by order of the
Board of ___[10]___.

6. The corporate title of the person in No. 4, i.e. President, Controller, etc.

_____ [11]

7. The name of the corporation.

[SEAL]

8. A description of the document signed by the person in No. 4, i.e. General Release, Power of Attorney.

9. Delete if the document does not have the corporate seal and skip to No. 11.

10. The name of the governing body of the corporation, i.e. Directors, Trustees.

11. The signature, stamp or seal of the Notary Public.

AFFIRMATION OR OATH

I hereby affirm or swear that the information I have listed above is true and correct: *K. Kashem*

(signature of sponsor)

Name of sponsor, printed: _____
(Last Name) (First Name)

Subscribed and sworn to before me this _____ day of _____, 19____
at _____ my commission expires on _____

Signature of Notary

008184
NO. 17 NOV 1992
Bangkok,

Certified genuine signature of
MR KASHEM VASIMVATHITONG



Office of the Permanent Secretary,
Ministry of Foreign Affairs of Thailand

The Ministry of Foreign Affairs assumes
no responsibility for the contents of
the document)

SPECIAL
POWER OF ATTORNEY

-to-

DAVID LEE HENDRIX

THAILAND

In the City, County and State of New York, United States of America, on this 31st day of October, 1988, before me a Notary Public in and for the State and County of New York, United States of America, and the undersigned resident witnesses, legally qualified and personally known to me, appeared: (1) PEI Y. CHIA (hereinafter referred to as the "Executing Officer"), a Banker, domiciled in Bedford, New York and holding the office of Group Executive in CITIBANK, N. A. (hereinafter referred to as the "Bank"), a national banking association duly constituted, registered and in existence in accordance with the laws of the United States of America now in force, and (2) SHERIDAN L. WEINBERG, a Banker domiciled in Peekskill, New York, the Secretary Pro-Tem of the Bank (hereinafter referred to as, and in his capacity of, "Secretary Pro-Tem").

I, the Notary Public, being an Attorney-at-law, as hereinbelow stated, do hereby CERTIFY AND ATTEST:

A. That the Executing Officer and the Secretary Pro-Tem are of full age, competent to act in the premises, to me personally known, and that they are authorized to execute this instrument by virtue of the powers granted to them pursuant to the By-Laws of the Bank and the laws of the United States of America, and that the Executing Officer said that he, on the one hand, hereby revokes and cancels any instrument of power of attorney previously executed on behalf of the Bank for use in Thailand in favor of David Lee Hendrix (hereinafter referred to as the "Attorney-in-fact"), of legal age, a Banker, and now residing in Thailand and that he (the Executing Officer), on the other hand, does hereby authorize and empower the Attorney-in-fact, acting in the name or on behalf of the Bank, or any of its Branches, or any interest it or they may have or represent, as follows:

I. To manage, transact and generally conduct, in the name of the Bank, and in its place and stead, a general banking business at any and all Branches, agencies or offices of the Bank now or hereafter established, with all powers and authority requisite and necessary for that purpose and, subject to the limitations hereinafter expressed, to sign the name of the Bank whenever requisite or expedient in the transaction and conduct of the said business and, generally, to do each and every such act, matter or thing as the nature of the said banking business may require;

II. To: (1) sign ordinary correspondence and indorsements on checks and other bills of exchange deposited for the credit of the Bank; (2) make, sign, draw, issue, indorse, discount, negotiate, pay, accept, collect, receive, renew, extend and protest any and all bills of exchange (whether checks or drafts), promisory notes, letters of credit or other negotiable instruments and other documents of credit, and advices of drafts drawn; (3) buy, sell, receive, hold, indorse, transfer, deliver, hypothecate and pledge any and all bills of exchange (whether checks or drafts), bills of lading, insurance certificates, bullion, checks, drafts, exchange, money, accounts, notes, bonds and other negotiable instruments, real and personal property or documents purporting to evidence title thereto, and any and all securities or property whatsoever; (4) accept the transfer and delivery of any and all shares of the capital stock of any corporation or association, whether organized for banking, commercial, industrial or other purposes, including bonds of any State and any and all States' securities, with power to carry out all formalities required by law and regulations applying to the transfer and registration thereof; (5) indorse, transfer and deliver such certificates or shares or securities and to effect such transfer on the books of any corporation or association; (6) act as trustee or special depository; (7) borrow money with or without security; (8) hire, rent or lease any and all real estate and personal property, with power to execute all necessary indentures, leases and other documents in connection therewith, upon such terms as the Attorney-in-fact may find proper, and to accept guaranties and chattel mortgages; (9) take mortgages on real estate or on mortgage credits; cancel them partially or totally, modify or extend them, or to cede, transfer, assign, resign or otherwise dispose of them with or without general or special guaranty;

จุฬาลงกรณ์มหาวิทยาลัย

- III. To open, receive, and maintain deposit and other accounts;
- IV. To make loans, with or without collateral security;
- V. To ask, demand, collect, receive and take all necessary and lawful means to recover any and all moneys, debts or property and to give acquittances therefor;
- VI. To give, receive and carry out orders on commission and to forward goods and securities;
- VII. To carry out custom house operations;
- VIII. To make or obtain acknowledgements and receipts;
- IX. To take delivery of letters, telegraphic messages, drafts, packages and securities of any kind, from State Offices or from the Post Office, Railway, Airline, Express or Steamship companies against the necessary receipt and discharge signature;
- X. To procure insurance against fire, marine or other risks to property of the Bank, or in which it may be concerned or have or represent any interests;
- XI. To register deeds and other documents and those presents and to pay any and all taxes, fees or other governmental charges determined by law;
- XII. To attach, distrain or replevy property;
- XIII. To liquidate accounts with debtors and creditors, approving or disapproving their balances;
- XIV. To apply for letters of administration upon the estate, or for the appointment of a liquidator or receiver, of any debtor; to institute proceedings in bankruptcy, insolvency or judicial liquidation; to prove, guarantee, verify, accept, dispute or prosecute claims and to sign any composition or other agreement and,

in general, to represent the Bank in such proceedings, or in the affairs of any corporation, association or firm and, on behalf of the Bank, to become a director or officer thereof;

XV. To attend, take part in or vote at any and all meetings of creditors, shareholders, directors or officers of any corporation or association or for other business purposes, or to give proxy therefor;

XVI. To adjust, compound, compromise, contest, defend, settle or submit to arbitration, or to the decision of amicable referees, any and all controversies, suits, actions and other legal or equitable proceedings in which the Bank may be interested, and to participate in any plan of distribution of funds;

XVII. To represent and defend the Bank and its interests before any and all judges and courts, of all classes and jurisdictions, in any action, suit or proceeding in which the Bank may be a party or may be interested in administrative, civil, criminal, contentious or contentious-administrative matters, and in all kinds of lawsuits, recourses or proceedings of any kind or nature, with complete and absolute representation of the Bank, whether as plaintiff or defendant, or as an interested party for any reason whatsoever, and with power to institute actions, file exceptions, counterdemand, submit proofs and allegations, initiate the regular and special recourse, make bids, undertake the execution of sentences, challenge all kinds of judges or officials, propound interrogatories, request the recognition of signatures or of documents, institute all kinds of actions for the repression of crimes, file pleas for "argando" and oppose its being granted to others, and desist from all classes of actions, exceptions and recourses; and for the purpose of representing the Bank before any and all judges and courts and in any action, suit or proceeding whatsoever in which the Bank is interested, to employ, retain, dismiss and grant all necessary powers in favor of solicitors, proctors, lawyers or other persons suitable to defend the rights, privileges and interests of the Bank; and, in general, to exercise all the rights of the Bank in all kinds of suits, actions and legal or equitable proceedings, with power to collect the amount

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sums lodged in Court on behalf of the Bank and for such amounts collected to make out receipts in legal form;

XVIII. To employ, retain, suspend or dismiss any and all tellers, clerks and other employees at any Branch, agency or office of the Bank now or hereafter established;

XIX. To authenticate by his signature at any time(s) for the purpose of giving full force and effect thereto for all purposes under any law in force in any country or subdivision of any country; (a) any writing signed by any of the following officers of the Bank; the Chairman, or the President, or any Vice Chairman/Sector Executive, or any Senior Executive Vice President, or any Executive Vice President, or any Senior Vice President, or the Secretary, or the Chief Auditor, or any Vice President, or any Deputy Chief Auditor, and (b) the then current "Circular of Authorized Signatures of Citibank, N. A. and its Branches". Every such writing of the current Circular so authenticated by him shall be entitled to full faith and credit before every office and authority in any country or subdivision of any country; and

XX. To present for official registration certified copies of the Bank's Articles of Association, By-Laws and any other documents required by the laws of any country or place in which this Power of Attorney may be registered or exercised, and to do and perform any and all other acts and things required by the laws of any such country or place relating to the establishment or the maintenance in business of foreign corporations therein and the opening of branches thereof; and

XXI. To substitute or delegate this Power of Attorney in whole or in part in favor of such one or more employees of the Bank, as he may deem advisable, but without divesting himself of any of the powers granted to him by this Power of Attorney; and to grant and execute in favor of any one or more such employees, powers of attorney containing all or such authorizations, as he may deem advisable. Such substitutions, or delegations, and powers of attorney, shall remain in effect after the Attorney-in-fact herein shall have ceased to represent the Bank in the country for which the said employees concerned were appointed, and also after said employees may have been transferred to another country or countries, unless and until revoked by the Attorney-in-fact herein who is hereby granted the necessary power of revocation, or by any other attorney-in-fact of the head office of the Bank having such power of revocation.

He may also revoke powers of attorney heretofore granted directly by the Head Office of the Bank to any of its employees.

XXII. In addition to the powers granted in Paragraph II hereof, to purchase, sell, rent from or lease to any person, any immovable or movable property. Also, to accept and register mortgage on immovable property and machinery as security for loans or any other debt; sub-divide co-ownership of such property under mortgage; provide partial or total release, modification or extension of mortgage; to amend the registration of mortgage on movable and immovable property, including machinery, as security for increase of loan or other indebtedness; to enforce or foreclose mortgage whenever necessary, or buy property at a sale by auction under the court's order. Also, to accept the transfer of all existing mortgage rights of Mercantile Bank Ltd., Bangkok Branch, under the permit granted by the Ministry of Finance, dated 26 September 1985, and to give statements to the officials connected therewith and do all such acts, matters and things as may be necessary or expedient for carrying out the powers hereby given.

The Bank DOES HEREBY FURTHER GRANT unto the Attorney-in-fact full power and authority to substitute and appoint in his place and stead, one or more attorneys-in-fact, to exercise for the Bank as its attorney-in-fact or attorneys-in-fact, any or all powers and authorities conferred by paragraph V, XX and XXII hereof, and to revoke any such appointment from time to time, and to substitute or appoint any other or others in the place of such attorney-in-fact or attorneys-in-fact as the Attorney-in-fact shall from time to time think fit and any such substitution and appointment shall not terminate on the termination of this power of Attorney by reason of the death of the Attorney-in-fact or by reason of the revocation of this power of Attorney by the Bank, but such substitute attorney-in-fact shall be entitled to continue to exercise such powers and authorities until they are revoked by the Bank or by the Attorney-in-fact.

B. That the Executing Officer also said that the Bank hereby ratifies and confirms all that the Attorney-in-fact may or shall lawfully do or cause to be done within the powers conferred upon him by virtue of this instrument, including that which he may do or cause to be done after the revocation of the said powers but before notification of such revocation.

C. That the Secretary Pro-Tem is the Secretary Pro-Tem of the Board of Directors of the Bank and that he exhibited to me the Minute Book of the Bank which verifies each of the

following to be true and correct:

1. The By-Laws of the Bank, as now in force, contain among others the following provisions:

"ARTICLE IV

"OFFICERS AND AGENTS

"SECTION 9. SECRETARY. The Board of Directors shall appoint a Secretary, who shall keep accurate minutes of meetings of the Board of Directors and the Executive Committee of the Board. He shall attend to the giving of all notices required by these By-Laws to be given. He shall be custodian of the corporate seal, records, documents and papers of the Association. He shall have and may exercise any and all other powers and duties pertaining by law or regulation to the office of Secretary, or imposed by these By-Laws. He shall also have such further powers and duties as may from time to time be assigned to him by the Board of Directors, the Chairman, the President, or any Vice Chairman, or any Sector Executive.

* * * * *

"SECTION 11. VICE PRESIDENTS. . . . Each Vice President shall have . . . and such further powers and duties as may from time to time be assigned to him by the Board of Directors, the Chairman, the President, or any Sector Executive.

* * * * *

สต. พ. ๒๕๖๓
จุฬาลงกรณ์มหาวิทยาลัย

"ARTICLE XI"

"MISCELLANEOUS PROVISIONS"

"SECTION 2. EXECUTION OF INSTRUMENTS. All agreements, indentures, mortgages, deeds, conveyances, transfers, certificates, declarations, receipts, discharges, releases, satisfactions, settlements, petitions, schedules, accounts, affidavits, bonds, undertakings, proxies and other instruments or documents, may be signed, executed, acknowledged, verified, delivered or accepted in behalf of the Association by . . . the Secretary . . . or any Vice President . . ."

2. . . . The Board of Directors of the Bank, at its Organization Meeting, duly held with a legal quorum on April 19, 1938 elected the Executing Officer as a Vice President and the Secretary as such, of the Bank, and such elections have continued, and are now in full force and effect.

3. . . . That the Secretary Pro-Tem stated to me that under Article IV, Section 11 of the By-Laws of the Bank as hereinbefore in "C" set forth, the Executing Officer has had duly conferred on him the power to execute this Power of Attorney.

D. . . . That the Bank exists in perpetuity in accordance with the laws of the United States of America.

E. . . . That I am a Notary Public in the State of New York, and as such Notary Public am duly authorized to act as such in the County of New York; that I am also an Attorney-at-law, duly authorized to practice as such in the State of New York, and that I have my office at 399 Park Avenue in the City and County of New York; that the Executing Officer and the Secretary are now in the exercise of their respective offices as hereinbefore stated, and that the Executing Officer and the Secretary have declared before me under their most absolute responsibility that the particulars contained herein are in full force.

F. . . . That this document is executed after I had made to the Executing Officer and the Secretary Pro-Tem all the legal

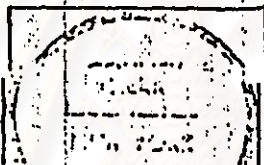
admissions and after they had read this instrument; that it is executed in accordance with the laws of the United States of America and of the State of New York, United States of America, and with the extrinsic requisites and formalities that said laws require in order to constitute the same a public document.

G. This power of attorney shall supercede all other powers of attorney issued in respect of the same subject matters.

FOR CITIBANK, N.A.

[Signature]
(Executing Officer)

[Signature]
(Secretary Pro-Tem)



NO 80323 Form 1

State of New York
County of New York

I, NORMAN GOODMAN, County Clerk and Clerk of the Supreme Court of the State of New York, in and for the County of New York, Court of Record, having by law a seal, DO HEREBY CERTIFY pursuant to the Executive Law of the State of New York, that

[Signature]

whose name is subscribed to the annexed affidavit, deposition, certificate of acknowledgment or proof, was at the time of taking the same a NOTARY PUBLIC in and for the State of New York duly commissioned, sworn and qualified to act as such; that pursuant to law, a commission or a certificate of his official character, with his autograph signature has been filed in my office; that at the time of taking such proof, acknowledgment or oath, he was duly authorized to take the same; that I am well acquainted with the handwriting of such NOTARY PUBLIC and have compared the signature on the annexed instrument with his autograph signature deposited in my office, and I believe that such signature is genuine.

IN WITNESS WHEREOF, I have hereunto set my hand and fixed my official seal this

FEE PAID \$3.00

[Signature]
County Clerk and Clerk of the Supreme Court, New York County

05.03.83
CITIBANK

Citibank, N.A.

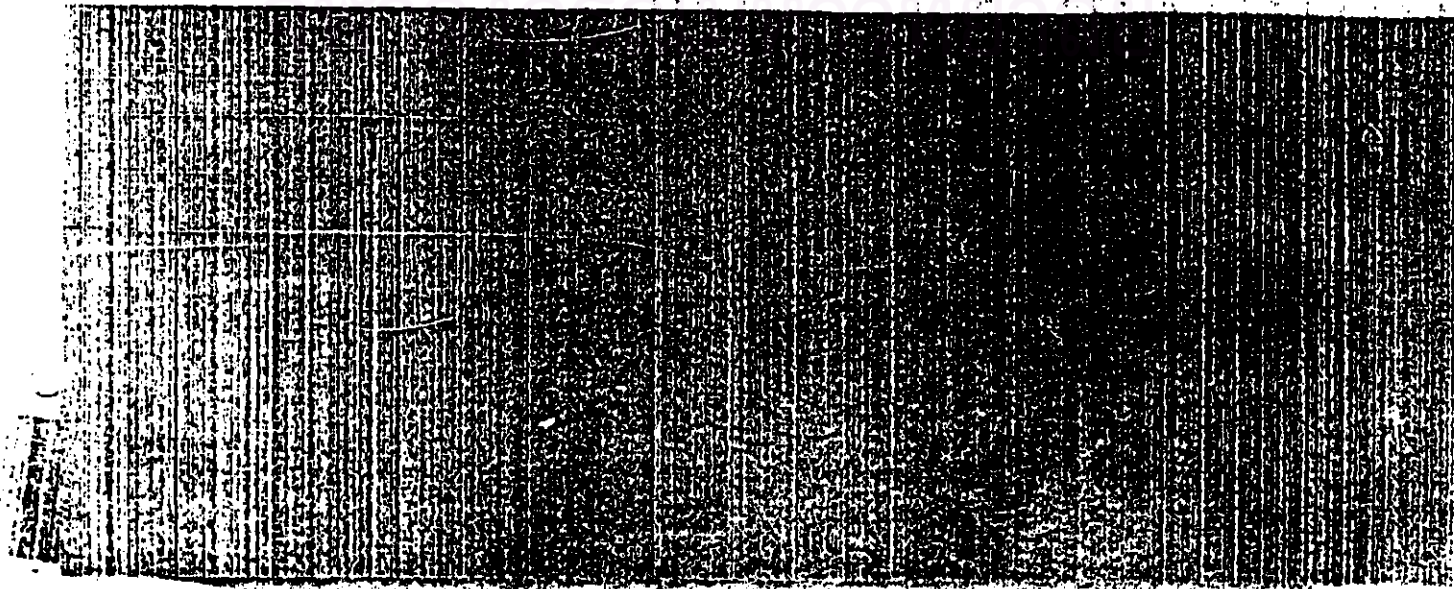
—TO—

David Lee Hendrix

POWER OF ATTORNEY

DATED: November 9, 1988

สถาบันไทยประกัน



I have stocks and bonds with the following market value, as indicated on the attached list which I certify to be true and correct to the best of my knowledge and belief. \$ _____
 I have life insurance in the sum of \$ _____
 With a cash surrender value of \$ _____
 I own real estate valued at \$ _____
 With mortgages or other encumbrances thereon amounting to \$ _____

which is located at _____ (Street and Number) _____ (City) _____ (State) _____ (Zip Code)

8. That the following persons are dependent upon me for support: (Place an "X" in the appropriate column to indicate whether the person named is wholly or partially dependent upon you for support.)

Name of Person	Wholly Dependent	Partially Dependent	Age	Relationship to Me
	X		25	Son

9. That I have previously submitted affidavit(s) of support for the following person(s). If none, state "None"

Name	Date submitted
NONE	

10. That I have submitted visa petition(s) to the Immigration and Naturalization Service on behalf of the following person(s). If none, state none.

Name	Relationship	Date submitted
NONE		

11. (Complete this block only if the person named in item 3 will be in the United States temporarily.)

That I do intend do not intend, to make specific contributions to the support of the person named in item 3. (If you check "do intend", indicate the exact nature and duration of the contributions. For example, if you intend to furnish room and board, state for how long and, if money, state the amount in United States dollars and state whether it is to be given in a lump sum, weekly, or monthly, or for how long.)

I do intend to make contributions to support my son
 amount of \$ 1,000/month for the whole duration of his study in U.S.A

OATH OR AFFIRMATION OF DEPONENT

I acknowledge that I have read Part III of the Instructions, Sponsor and Alien Liability, and am aware of my responsibilities as an immigrant sponsor under the Social Security Act, as amended, and the Food Stamp Act, as amended.

I swear (affirm) that I know the contents of this affidavit signed by me and the statements are true and correct.

Signature of deponent S. K. P.

Subscribed and sworn to (affirmed) before me this 16th day of January, 1955

at _____ My commission expires on _____

Signature of Officer Administering Oath _____ Title _____

If affidavit prepared by other than deponent, please complete the following: I declare that this document was prepared by me at the request of the deponent and is based on all information of which I have knowledge.

Nirun 118/75 B Soi Ramkhamhaeng 24, Ramkhamhaeng Rd. Huamark Bangkok 10240, Thailand
 (Signature) ADVOCATE AND ACCOUNTING ASSOCIATE (Address) (Date) 16/



หนังสือมอบอำนาจ

ที่คืน

ระหว่าง ตำบล

เลขที่ หน้าสำรวจ อำเภอ

โฉนดหมายเลขที่ จังหวัด

เรื่อง

เขียนที่

วันที่ เดือน พุทธศักราช

โดยหนังสือฉบับนี้ข้าพเจ้า

อายุ ปี เชื้อชาติ สัญชาติ บุตร

อยู่ที่บ้าน เลขที่ หมู่ที่

ตำบล อำเภอ จังหวัด

ได้มอบให้ อายุ ปี เชื้อชาติ สัญชาติ

บุตร อยู่ที่บ้าน เลขที่ หมู่ที่

ตำบล อำเภอ จังหวัด

เป็นผู้มีอำนาจจัดการ

แทนข้าพเจ้าจนเสร็จการ

ลงลายมือชื่อ

เพื่อเป็นหลักฐานข้าพเจ้าได้

พิมพ์ลายนิ้วมือ

ไว้เป็นสำคัญต่อหน้าพยานแล้ว

ผู้มอบอำนาจ

ลายมือชื่อ

ข้าพเจ้าขอรับรองว่าเป็น

ลายพิมพ์นิ้วมือ

อันแท้จริงของผู้มอบอำนาจและ

ลงลายมือชื่อ

ผู้มอบอำนาจได้

พิมพ์ลายนิ้วมือ

ต่อหน้าข้าพเจ้า

APPLICATION FOR APPOINTMENT AS A TEXAS NOTARY PUBLIC
 Type or Print Using Black Ink Only!
 See Directions on Reverse Side

1) NAME TO BE USED AS A NOTARY PUBLIC:

(Last) (First) (Middle) (Suffix)

2) YES NO HAVE YOU EVER BEEN CONVICTED OF A FELONY, MIS-
 DEMEANOR, OR CRIME INVOLVING MORAL TURPITUDE?
 If you answer YES, submit a copy of the final conviction
 and sentence, or a statement of the facts of the
 restitution of citizenship rights. APPLICATIONS ARE
 SUBJECT TO A BACKGROUND INVESTIGATION.

3) YES NO ARE YOU A LEGAL RESIDENT OF TEXAS?

(For use by Secretary of State
 Revised 3/29/84)

I hereby apply for appointment as a Notary Public in the State of Texas, and certify that the information herein provided
 is true and correct and that I am not disqualified by law or any other reason from holding the office of Notary Public.

4) SOCIAL SECURITY #: _____

5) SIGNATURE OF APPLICANT: _____

6) MAILING ADDRESS:

_____ (City) (State) (Zip Code)

7) BUSINESS ADDRESS:

_____ (City) (State) (Zip Code)

8) RESIDENCE COUNTY: _____ (9) BUSINESS COUNTY: _____

10) TEXAS DRIVER'S LICENSE #: _____ (11) DATE OF BIRTH: _____
 (Month, Day, Year)

(12) Execute the following Statement of Officer before a Notary Public.

STATEMENT OF OFFICER
 (Pursuant to Art. XVI, Section 1, Texas Constitution)

I, _____, do solemnly swear (or affirm), that I have not directly or indirectly
 (Applicant's Name)
 offered, promised to pay, contributed, or promised to contribute any money, or valuable thing, or promised any public
 office or employment, as a reward to secure my appointment or confirmation thereof, so help me God.

 (Applicant's Signature)

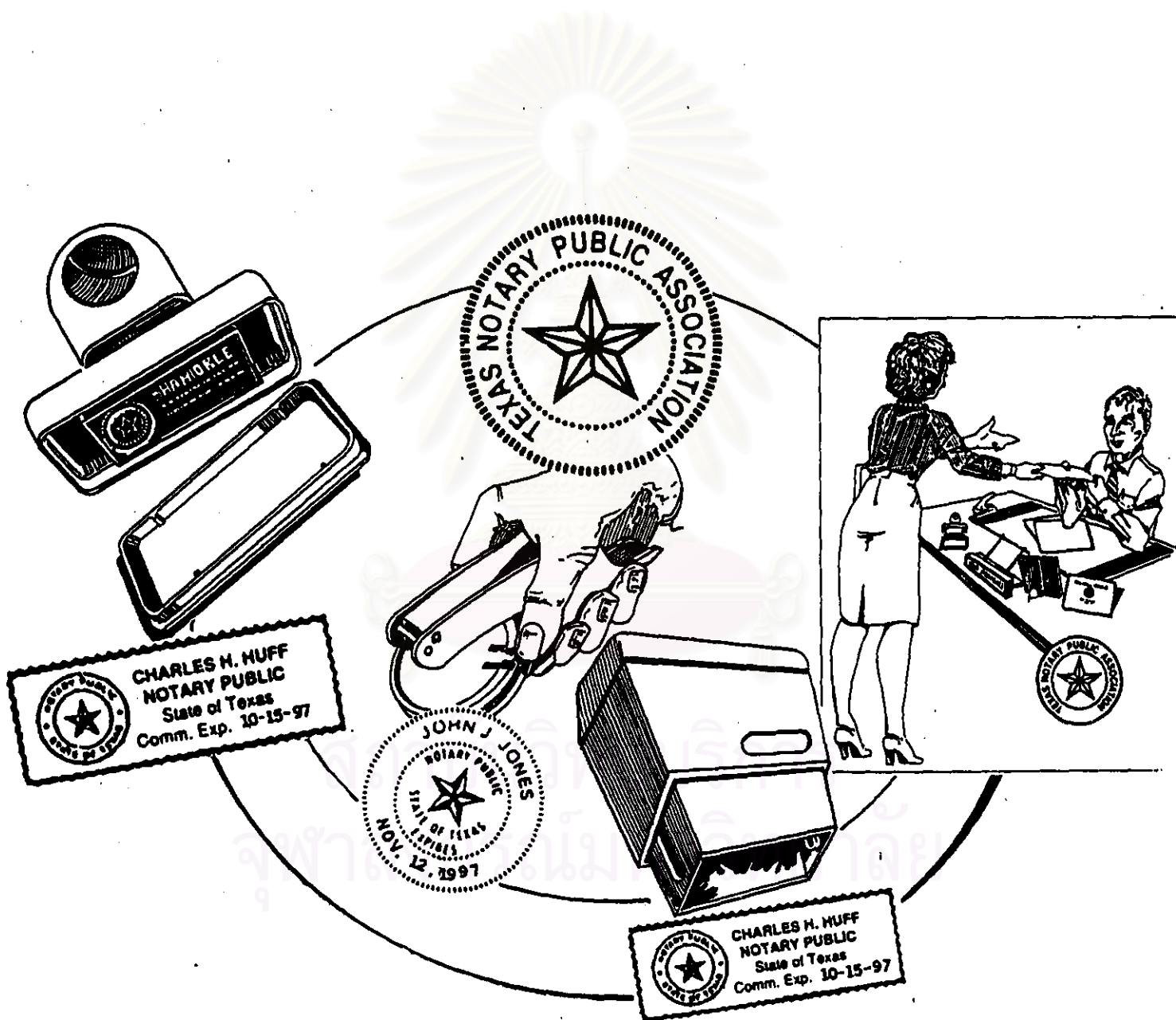
SWORN TO and subscribed before me on this _____ day of _____, 19____.

(Seal)

 Notary Public Signature

AN APPLICATION WITH INCOMPLETE OR INCORRECT INFORMATION WILL BE REJECTED AND RETURNED TO APPLICANT.
 The disclosure of your social security number is mandatory. Its solicitation is authorized by Chapter 406 of the Government Code and is used to maintain
 accuracy of the notary records.

ตัวอย่างดวงตราประทับโนตารีบัลลิก



ประวัติผู้เขียน

นางสาวจตุชฎาภรณ์ สวัสดิยากร เกิดเมื่อวันที่ 11 พฤษภาคม 2515 จบการศึกษา
นิติศาสตรบัณฑิต น.บ. (จุฬาลงกรณ์มหาวิทยาลัย) เมื่อปีการศึกษา 2535 เข้าการศึกษาหลักสูตร
นิติศาสตรมหาบัณฑิต จุฬาลงกรณ์มหาวิทยาลัย ปี 2536



สถาบันวิทยบริการ
จุฬาลงกรณ์มหาวิทยาลัย