

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED OCTOBER 22, 1840;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

United States and of the State of Maine,

AND TO WHICH ARE SUBJOINED THE OTHER

PUBLIC LAWS OF 1840 AND 1841,

WITH AN

APPENDIX.

PRINTED AND PUBLISHED IN COMPLIANCE WITH A RESOLVE OF OCTOBER 22, 1840.

Augusta:

PUBLISHED BY WILLIAM R. SMITH & Co., PRINTERS TO THE STATE.

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1841.

CHAP. 43. ment shall have been made, and for any money or negotiable security received by the person, in whose name the shipment shall have been made, to and for the use of any such consignee.

How far a factor, or agent, may be considered owner. 1834, 117, § 2.

SECT. 2. Every factor or agent, entrusted with the possession of any bill of lading, custom house permit, or ware house keeper's receipt, for the delivery of any such merchandize, and every such factor or agent, not having the documentary evidence of title, who shall be entrusted with the possession of any merchandize for the purpose of sale, or as a security for any advances to be made, or obtained, thereon, shall be deemed to be the true owner thereof, so far as to give validity to any contract, made by such agent with any other person, for the sale or disposition of the whole, or any part of such merchandize, any money advanced, or negotiable instrument, or any other obligation in writing, given by such person upon the faith thereof.

Not to extend to antecedent demands against the agent. 1834, 117, § 3.

SECT. 3. Every person, who shall accept, or take, such merchandize in deposit from such agent, as security for any antecedent debt or demand, shall not acquire thereby, or enforce, any right or interest in, or to, such merchandize or document, other than was possessed, or might have been enforced by such agent, at the time of such deposit.

Rights of the true owner in such cases. 1834, 117, § 4.

SECT. 4. Nothing in the preceding sections of this chapter shall be construed to prevent the true owner of any merchandize, so deposited, from demanding and receiving the same, upon repayment of the money advanced, or on restoration of the security given, on the deposit of such merchandize, and upon satisfying such lien, as may exist thereon in favor of the agent, who may have deposited the same; nor from recovering any balance remaining in the hands of the person, with whom such merchandize shall have been deposited, as the produce of the sale thereof, after satisfying the amount justly due to such person by reason of such deposit, and also after having satisfied all just expenses, arising on such merchandize.

Exception, as to common carriers and ware-house keepers. 1834, 117, § 5.

SECT. 5. Nothing in this chapter shall authorize a common carrier, ware house keeper, or other person, to whom merchandize or other property may be committed for transportation or storage, to sell or hypothecate the same.

CHAPTER 44.

OF NOTARIES PUBLIC.

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| <p>SECT. 1, 2. Of the tenure of office, and oath.</p> <p>3. Seal.</p> <p>4, 5. Notary's general duty, as to protests.</p> <p>6. Of the notary's records.</p> <p>7. When he vacates his office, records to be deposited with the clerk of the judicial courts.</p> <p>8. In case of his death, executor to deposit them.</p> | <p>SECT. 9. Penalty for destroying, defacing, or concealing such records.</p> <p>10. Duties of clerks, relating thereto.</p> <p>11. Forfeitures appropriated.</p> <p>12. How far certificate of protest, evidence.</p> <p>13. Of days of grace on bills, notes, &c.</p> <p>14. Proviso relating to the fourth of July. Notary's fees.</p> |
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SECTION 1. All notaries public shall be appointed and commissioned in the manner, and for the term prescribed in the constitution, and shall be duly sworn and qualified, before entering upon the discharge of their duties.

CHAP. 44.
Of the tenure of
office, and oath.

SECT. 2. All notaries public, now in office, shall continue to hold their offices according to their respective commissions. Same subject.

SECT. 3. Every notary public shall constantly keep a seal of office, whereon shall be engraven his name, and the words "notary public" and "Maine," with the arms of the state, or such other device as he may choose.

Seal.
1821, 101, § 1.

SECT. 4. It shall be his duty, when requested, to enter on record all losses or damages, sustained, or apprehended, by sea or land, and also all averages, and such other matters, as, by mercantile usage, appertain to his office; and cause protest thereof to be made, duly and formally.

Notary's general
duty, as to
protests.
1821, 101, § 2.

SECT. 5. All facts, extracts from documents, and circumstances, so noted, shall be signed and sworn to, by all the persons appearing to protest; and he shall note, extend and record the protest so made; and shall grant authenticated copies thereof, under his signature and notarial seal, to those, who request and pay for the same. He may also, in behalf of any person interested, present any bill of exchange, or other negotiable paper, for acceptance or payment, to any party, on whom the same is drawn, or who may be liable therefor; and notify all endorsers, or other parties, to such bill or paper; may record and certify all contracts, usually recorded or certified by such notaries, take depositions in the same manner that any justice of the peace and quorum may legally do; grant warrants of survey on vessels, certify country products, and, in general, do all acts to be done by notaries public by the usages of merchants, and authorized by the laws of the state.

Same subject.
1821, 101, § 2, 3,
4.
15 Maine, 452.
16 Maine, 41.

SECT. 6. Every notary public shall record at length in a book of records, all acts, protests, depositions, and other things, by him noted or done in his official capacity; and all copies or certificates, by him granted, shall be under his hand and notarial seal, and shall be received as evidence of such transaction.

Of the notary's
records.
1821, 101, § 3, 5.

SECT. 7. On the resignation, or removal from office, of any notary public, his records shall be deposited with the clerk of the judicial courts in the county, for which he was appointed; and by a neglect for three months to comply with the above requisition, such notary shall forfeit not less than fifty, nor more than five hundred dollars.

When he vacates his office,
records to be
deposited with
the clerk of the
judicial courts.
1821, 101, § 6.

SECT. 8. If any executor or administrator of such notary shall neglect, for three months after his acceptance of said trust, to deposit all such records and papers, as shall come to his hands, he shall forfeit not less than fifty dollars, nor more than five hundred.

In case of his
death, executor
to deposit them.
1821, 101, § 6.

SECT. 9. If any person shall knowingly destroy, or deface, or conceal any such records, he shall forfeit and pay not less than two hundred, nor more than one thousand dollars, and shall be liable for damages to any person injured, in an action on the case.

Penalty for destroying, defacing, or concealing such records.
1821, 101, § 6.

SECT. 10. It shall be the duty of all clerks to receive and safely keep all such records and papers, lodged in their respective offices, and to give attested copies of the same; for which they shall be

Duties of clerks,
relating thereto.
1821, 101, § 7.
16 Maine, 181.

CHAP. 44. allowed the same fees, as are allowed to a notary; and such copies shall be as valid, as if they were certified by said notaries.

Forfeitures appropriated.
1821, 101, § 7.
14 Maine, 99.

How far certificate of protest, evidence.
1821, 101, § 3.
16 Maine, 41,
246, 259.

Of days of grace on bills, notes, &c.

1824, 272.
1839, 386, § 1.
13 Maine, 412.
14 Maine, 99,
284.
21 Pick. 483.
1 Metc. 43.

Proviso relating to the fourth of July.

1824, 272, § 1.
1839, 386, § 1.

Notary's fees.

SECT. 11. All forfeitures before named shall be, one half to the state, and the other to him, who shall sue for the same.

SECT. 12. The protest of any foreign or inland bill of exchange, or promissory note or order, duly certified by any notary public, under his hand and official seal, shall be legal evidence of the facts stated in such protest, as to the same, and also as to the notice given to the drawer or endorser, in any court of law.

SECT. 13. Whenever any promissory note, inland bill of exchange, draft or order for the payment of money, payable at a future day, or at sight, and not on demand, shall become payable in this state, the maker of any such note, and the acceptor of any such bill of exchange, respectively, shall be entitled to a grace of three days, unless the third day happen to be the Lord's day, or a day of public fast or thanksgiving, appointed by the governor and council, or the fourth day of July; in which excepted cases, a grace of two days only shall be allowed.

SECT. 14. If the fourth day of July should happen to be Monday, and the third day of grace on any such note, bill or draft should happen on the same day; or if the fourth day of July should happen on Saturday, and the following Sunday should be the third day of grace, an additional day of grace shall be allowed on such note, bill or draft; and for such protest, notifying parties, making the certificate in form aforesaid and record of his proceedings, he shall be entitled to a fee of one dollar and fifty cents, and no more.

CHAPTER 45.

OF LIMITED PARTNERSHIPS.

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| <p>SECT. 1. To what kinds of business, applicable.</p> <p>2. Of what persons to be composed.</p> <p>3. Particulars to be stated in a certificate, to be signed by them.</p> <p>4, 5. Certificate to be acknowledged and recorded.</p> <p>6. Parties liable in case of any misstatement.</p> <p>7, 8. Publication of such certificate.</p> <p>9. Of the renewal of such partnerships.</p> <p>10, 11. Special partners not to be named, nor to act.</p> <p>12. None of the capital to be withdrawn.</p> | <p>SECT. 13. Special partners liable to refund moneys withdrawn, or divided.</p> <p>14. Of general assignments by such partnerships.</p> <p>15. Assent of creditors thereto to be presumed. Mode of notice.</p> <p>16. In whose names suits may be brought.</p> <p>17. Of voluntary dissolution within the term specified. Notice thereof.</p> <p>18. Rights and obligations in cases, not specified, the same as in general partnerships.</p> |
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To what kinds of business, applicable.
1836, 211, § 1.

SECTION 1. Limited partnerships, for the transaction of mercantile, mechanical or manufacturing business, may be formed by two or more persons, upon the following conditions and liabilities, pro-