

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED APRIL 17, 1857;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

UNITED STATES AND OF THE STATE OF MAINE:

WITH AN

APPENDIX.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE.

BANGOR:
WHEELER & LYNDE.

1857.

CHAP. 31.

against the
agent.

R. S., c. 43, § 3.

Rights of the
true owner in
such cases.

R. S., c. 43, § 4.

acquire or enforce any right or interest therein other than such agent could then enforce.

SEC. 3. But the true owner of any such merchandise, upon re-payment of the money so advanced, restoration of the security so given, or satisfaction of all legal liens, may demand and receive his property, or recover the balance remaining as the produce of the legal sale thereof, after deducting all proper claims and expenses thereon.

CHAPTER 32.

NOTARIES PUBLIC, PROTESTS, DAYS OF GRACE, AND DEMAND ON NOTES AND BILLS.

NOTARIES PUBLIC AND PROTESTS.

- SEC. 1. Notary's seal.
2. His duty as to protests of losses by sea or land, and record and copies thereof.
 3. Also, as to demand and notice on negotiable notes and bills, and in other respects, and record thereof.
 4. Copies and certificates under his seal shall be legal evidence of all facts therein stated.
 5. When his office is vacated, his records to be deposited with the clerk of the courts.
 6. Penalty for destroying, defacing or concealing such records.
 7. Duties of clerks relating thereto, and their fees.
 8. Fees for protest of notes or bills, and appropriation of penalties.

DAYS OF GRACE.

9. Days of grace on notes and bills, and changes thereof on account of Sunday, fast, thanksgiving, fourth of July, twenty-second of February, and Christmas.

DEMAND.

10. Demand on note payable at time and place certain.

NOTARIES PUBLIC AND PROTESTS.

Notary's seal.
R. S., c. 44, § 3.

SEC. 1. Every notary public shall constantly keep a seal of office, whereon is engraven his name, and the words "notary public" and "Maine," with the arms of the state, or such other device as he chooses.

His duty as to
protests of
losses, and
record and
copies thereof.
R. S., c. 44,
§ 4, 5.

SEC. 2. When requested, he shall enter on record all losses or damages sustained or apprehended by sea or land, and all averages, and such other matters, as, by mercantile usage, appertain to his office; grant warrants of survey on vessels; and all facts, extracts from documents, and circumstances, so noted, shall be signed and sworn to by all the persons appearing to protest; he shall note, extend, and record the protest so made; and grant authenticated copies thereof, under his signature and notarial seal, to those who request and pay for the same.

Also, as to
demand and
notice on notes
and bills, &c.

SEC. 3. He may, in behalf of any person interested, present any bill of exchange or other negotiable paper for acceptance or payment to any party liable therefor; notify endorsers or other parties to such bill or paper; record and certify all con-

tracts usually recorded or certified by such notaries; take depositions the same as any justice of the peace and quorum may legally do; 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; and 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.

SEC. 4. And all copies or certificates by him granted shall be under his hand and notarial seal, and be received as legal evidence of such transaction, and of all the facts therein contained in all courts in this state.

SEC. 5. 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 on his part, or if he is deceased, on the part of his executor or administrator, for three months after the acceptance of his trust, either shall forfeit not less than fifty nor more than five hundred dollars.

SEC. 6. If any person knowingly destroys, defaces, or conceals, any such records, he shall forfeit and pay not less than two hundred nor more than one thousand dollars; and be liable for damages to any person injured, in an action on the case.

SEC. 7. All clerks shall receive and safely keep all such records and papers lodged in their offices and give attested copies thereof; for which they shall be 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.

SEC. 8. For each protest of a bill or note, notifying parties, making his certificate thereof in due form, and recording his proceedings, a notary public shall be entitled to one dollar and fifty cents and no more; and all penalties herein provided shall accrue half to the state and half to the person suing therefor.

DAYS OF GRACE.

SEC. 9. On any promissory note, inland bill of exchange, draft, or order for the payment of money, payable in this state at a future day, or at sight, and not on demand, a grace of three days shall be allowed. If the third day is Sunday, a day of public fast or thanksgiving appointed by the governor and council, the fourth day of July, the twenty-second of February, or Christmas, two days shall be allowed. If the fourth day of July, twenty-second of February, or Christmas is Monday, and it is the third day of grace, or is Saturday and the following Sunday is the third day of grace, four days shall be allowed.

DEMAND.

SEC. 10. In an action on a promissory note payable at a place certain, either on demand, or on demand at or after a time specified therein, the plaintiff shall not recover, unless he proves a demand made at the place of payment prior to the commencement of the suit.

CHAP. 32.

15 Maine, 452.
16 Maine, 41.
R. S., c. 44,
§ 5, 6.

Copies, evidence.
16 Maine, 41,
246, 259.
23 Maine, 554.
26 Maine, 45.
R. S., c. 44,
§ 6, 12.

When office vacated, records to be deposited with clerk of courts.
R. S., c. 44,
§ 7, 8.

Penalty for destroying, defacing or concealing such records.
R. S., c. 44, § 9.

Duties of clerks relating thereto, and their fees.
16 Maine, 181.
R. S., c. 44,
§ 10.

Fees for protest, and appropriation of penalties.
R. S., c. 44,
§ 11, 14.

Days of grace on notes and bills, and changes on account of Sunday, fast, thanksgiving, fourth of July, twenty-second of February, and Christmas.
13 Maine, 412.
14 Maine, 93,
234.
R. S., c. 44,
§ 13, 14.
1852, c. 249.
1855, c. 113.

Demand on note payable at time and place certain.
1846, c. 218.