

MAINE STATE LEGISLATURE

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FIFTH REVISION.

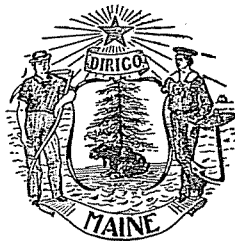
THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED SEPTEMBER 1, 1903, AND TAKING EFFECT JANUARY 1, 1904.

BY THE AUTHORITY OF THE LEGISLATURE.



AUGUSTA :
KENNEBEC JOURNAL PRINT,
1904.

in any public newspaper published in the county in which such city or town is; said notices shall contain a brief description of the property to be sold, with such marks thereon as may serve to identify it, if it shall be so marked, together with the name of the person depositing such articles in said warehouse and the name of the owner thereof if known; and shall specify the time after the expiration of said thirty days, and the place, which shall be in the city or town where the warehouse is, at which the sale shall be made. The proceeds of such goods, merchandise or articles of personal property so sold, after deducting the charges thereon, including the cost of publishing such notice and sale, shall be placed to the credit of the owner of the goods, merchandise or other articles of personal property sold, if known, otherwise to the credit of the person depositing said goods, merchandise or articles of personal property, in the books of the warehouseman making the sale, and shall be paid to the owner thereof on demand, and the warehouseman shall not be liable for any greater sum than shall be received from said sale, less said charges thereon.

—contents
of notice.

—disposal
of proceeds.

CHAPTER 34.

NOTARIES PUBLIC, PROTESTS, BANK HOLIDAYS, DEMAND ON BILLS AND NOTES, ARBOR DAY, OLD HOME WEEK.

NOTARIES PUBLIC AND PROTESTS.

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. When authorized by the laws of this state or of the United States, or of any other state or country, to do any official act, he may administer any oath necessary to the completion or validity thereof.

Notary's seal.
R. S., c. 32, § 1.

—may admin-
ister oaths.

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 them.

Duty as to
protests of
losses, and
record and
copies thereof.
R. S., c. 32, § 2.

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 indorsers or other parties thereto; record and certify all contracts usually recorded or certified by notaries; take depositions and do any official act which may be performed by a justice of the peace; take acknowledgment of deeds and other instruments, and administer oaths in all cases where a justice of the peace can act; certify country products, and in general, do all acts which may be done by notaries public according to the usages of merchants, and authorized by law; 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.

Demand and
notice on
notes, bills,
etc.
R. S., c. 32, § 3.
1893, c. 270.
15 Me., 454.
16 Me., 43, 247,
260.
17 Me., 363.
18 Me., 295.
21 Me., 219.
26 Me., 214.

SEC. 4. The protest of any foreign or inland bill of exchange, or promissory note or order, and all copies or certificates by him granted shall

Copies, evi-
dence.
R. S., c. 32, § 4.

CHAP. 34.

be under his hand and notarial seal, and shall be received in all courts as legal evidence of such transaction, and as to the notice given to the drawer or indorser, and of all facts therein contained. (a)

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 forfeits not less than fifty, nor more than five hundred dollars.

SEC. 6. Whoever knowingly destroys, defaces or conceals such record, forfeits not less than two hundred, nor more than one thousand dollars; and is 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 receive the same fees as a notary; and such copies shall be as valid as if certified by 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 receive one dollar and fifty cents. All penalties herein provided accrue half to the state and half to the prosecutor.

BANK HOLIDAYS.

SEC. 9. Any day of public fast or public thanksgiving, appointed by the governor and council or by the president of the United States, the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the first Monday of September and the twenty-fifth day of December are hereby declared to be bank holidays.

SEC. 10. No days of grace, according to the custom of merchants, shall be allowed on any promissory note, draft, check, bill of exchange, bond or other evidence of indebtedness made, drawn or accepted after July one, eighteen hundred and ninety-seven, unless expressly stipulated therein; but the same shall be due and payable as therein expressed, without grace; *provided*, that this section shall not apply to any draft or bill of exchange drawn payable at sight.

SEC. 11. Any promissory note, draft, check, acceptance, bill of exchange, bond or other evidence of indebtedness made, drawn or accepted after July one, eighteen hundred and ninety-seven, that shall fall due on Sunday or any bank holiday, shall be payable and presentable for payment on the secular or business day next succeeding such Sunday or holiday. If a bank holiday falls on Sunday, the following Monday shall be deemed a bank holiday for the purposes of this chapter. (b)

SEC. 12. Every Saturday, which is not a bank holiday according to law, from twelve o'clock noon until twelve o'clock midnight shall, for all purposes whatever as regards the presenting for payment or acceptance and the protesting and giving notice of dishonor of bills of exchange, drafts, bank checks and promissory notes made after March twenty, eighteen hundred and ninety-seven, be treated as and deemed a half holiday; and all bills of exchange, drafts, bank checks and promissory notes

(a) 15 Me., 138; 16 Me., 43, 183, 260; 23 Me., 287, 554; 26 Me., 50; 41 Me., 304, 323; 43 Me., 154, 205; 49 Me., 27; 50 Me., 597; 53 Me., 411.

(b) 13 Me., 414; 14 Me., 100, 288; 84 Me., 241.

When office vacated, records to be deposited with clerk of courts.
R. S., c. 32, § 5.

Penalty for injuring or concealing such records.
R. S., c. 32, § 6.

Duties of clerks relating thereto, and fees.
R. S., c. 32, § 7.
16 Me., 183.

Fees for protest, and appropriation of penalties.
R. S., c. 32, § 8.

Bank holidays.
1897, c. 259, § 1.

Days of grace, abolished.
1897, c. 259, § 2.

—sight drafts excepted.

Notes, etc., falling due on Sunday or any bank holiday, shall be payable next succeeding business day.
1897, c. 259, § 3.

Every Saturday afternoon, not a bank holiday, shall for certain purposes, be deemed a half holiday.
1897, c. 247.

which are liable to be protested for non-acceptance or non-payment at twelve o'clock noon on any Saturday which is not a bank holiday according to law, may be protested for non-acceptance or non-payment, as the case may be, on any such Saturday at any time after twelve o'clock noon, or on the next succeeding secular or business day.

DEMAND ON NOTES AND BILLS.

SEC. 13. 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. No person shall be charged as acceptor of a bill of exchange, draft or written order, unless his acceptance is in writing, signed by him or his lawful agent; and no waiver of demand and notice, by an indorser of a promissory note or bill of exchange, is valid unless it is in writing and signed in like manner. (a).

Demand on note payable at time and place certain. R. S., c. 32, § 10.

—acceptor, when charged.

—waiver of demand to be in writing.

ARBOR DAY.

SEC. 14. The governor shall annually set apart a day in the spring as Arbor Day, and shall issue a proclamation recommending that it be observed by the people of the state in the planting of trees, shrubs and vines, in the adornment of public and private grounds, places and ways, and in such other efforts and undertakings as shall be in harmony with the general character of a day so established.

Arbor day, established. 1887, c. 79.

OLD HOME WEEK.

SEC. 15. The week commencing with the second Sunday in August of each year is hereby designated and set apart as Old Home Week.

Old Home Week, established. 1903, c. 34.

(a) 30 Me., 32; 43 Me., 559; 69 Me., 91; 83 Me., 243, 267, 290, 579; 85 Me., 493; 87 Me., 307; 94 Me., 395; 95 Me., 386, 388.

Note. School holidays, see c. 15, § 88. Days on which courts are not held, see c. 79, § 52. Days on which arrests in civil actions may not be made, see c. 83, § 82.