

MAINE STATE LEGISLATURE

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EIGHTY-SECOND LEGISLATURE

H. P. No. 895

H. D. No. 224

House of Representatives, Feb. 25, 1925.

Referred to Committee on Judiciary and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Wing of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE.
HUNDRED AND TWENTY-FIVE

AN ACT to Amend Section 127 of Chapter 87 of the Revised
Statutes Relating to Affidavits of Plaintiffs Being Received
as Prima Facie Evidence.

Be it enacted by the People of the State of Maine, as follows:

Section 127 of Chapter 87 of the Revised Statutes is hereby
2 amended by adding thereto the following words:

‘If the said affidavit be made before a notary public using
2 seal without the state, his authority as a notary public to
3 act and to administer an oath shall be certified thereto and
4 the genuineness of his signature certified by a clerk of a
5 court of record or by a deputy clerk of the same and the
6 seal of said court attached thereto.’

So that said section as amended shall read as follows:

2 'In all actions brought on an itemized account annexed to
3 the writ, the affidavit of the plaintiff, made before a notary
4 public using a seal, that the account on which the action is
5 brought is a true statement of the indebtedness existing be-
6 tween the parties to the suit with all proper credits given,
7 and that the prices or items charged therein are just and
8 reasonable, shall be prima facie evidence of the truth of the
9 statement made in such affidavit, and shall entitle the plain-
10 tiff to the judgment, unless rebutted by competent and suffi-
11 cient evidence. When the plaintiff is a corporation, the
12 affidavit may be made by its president, secretary or treas-
13 urer. If the said affidavit be made before a notary public
14 using a seal without the state, his authority as a notary
15 public to act and to administer an oath shall be certified
16 thereto and the genuineness of his signature certified by a
17 clerk of a court of record or by a deputy clerk of the same
18 and the seal of said court attached thereto.'