

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. 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-

vided, that nothing in this chapter shall authorize such partnerships, CHAP. 45.
for the purpose of banking or insurance.

SECT. 2. Such partnerships may consist of one or more persons, who shall be called general partners, and who shall be jointly and severally responsible, as general partners now are by law, and of one or more persons, who shall contribute a specific sum in actual cash payment, as capital, to the common stock, who shall be called special partners, and who shall not be liable for the debts of the partnership, beyond the sum so contributed by him or them to such capital.

Of what persons to be composed.
1836, 211, § 2.

SECT. 3. Persons forming such a partnership shall sign a certificate, which shall contain the following particulars:

Particulars to be stated in a certificate, to be signed by them.
1836, 211, § 3.

First. The name or firm, under which such partnership shall be conducted.

Secondly. The name and place of residence of each one of the general partners.

Thirdly. The name and place of residence of each one of the special partners.

Fourthly. The amount of capital, which each one of the special partners has contributed to the common stock.

Fifthly. The general nature of the business to be transacted.

Sixthly. The time when the partnership shall commence.

Seventhly. The time when it shall terminate.

SECT. 4. Such partnership shall not be considered as formed, until such certificate shall have been acknowledged by all the parties, before a justice of the peace, and recorded in the registry of deeds of the county or district in which the principal place of the partnership business is situated, in a book to be kept for that purpose, open to public inspection.

Certificate to be acknowledged and recorded.
1836, 211, § 4.

SECT. 5. If there be several established places of partnership business, a copy of said certificate, certified by the register of deeds, in whose office it is so recorded, shall be filed and recorded in like manner, in the office of the register of deeds, in every such county or district.

Same subject.
1836, 211, § 4.

SECT. 6. If any statement shall be made in such certificate, which may mislead third persons, or be intentionally false, all the persons interested in such partnership shall be liable for all the engagements thereof, as general partners, to any person so deceived or injured.

Parties liable in case of any misstatement.
1836, 211, § 4.

SECT. 7. After such registry, the partners shall cause a copy of the certificate above mentioned to be published in a newspaper, printed in the county, in which the principal place of business is situated; and if there is no such paper printed in that county, then one printed in an adjoining county, or in the newspaper published by the printer to the state, for six weeks successively, the first publication to be made within twenty days thereafter.

Publication of such certificate.
1836, 211, § 5.

SECT. 8. If such certificate shall not be so published, the partnership shall be deemed a general one.

Same subject.
1836, 211, § 5.

SECT. 9. Upon every renewal or continuance of such partnership, beyond the time originally fixed for its duration, a certificate shall be made, signed, acknowledged, recorded and published in the manner, provided at the original formation of such partnership;

Of the renewal of such partnerships.
1836, 211, § 6.

CHAP. 45. and any partnership, renewed or continued in any other manner, shall be deemed a general partnership.

Special partners not to be named, nor to act.
1836, 211, § 7.

SECT. 10. The business of the partnership shall be conducted under a firm, in which no names shall be used, but those of the general partners, without the word "company" or any other general term; and the general partners, only, shall transact business.

Same subject.
1836, 211, § 7.

SECT. 11. If the name of any special partner shall be used in the firm, with his consent and privity, or if he shall make any contract respecting the concerns of the partnership with any person, except the general partners, he shall be deemed and treated as a general partner, as to such contract.

None of the capital to be withdrawn.
1836, 211, § 8.

SECT. 12. During the continuance of any partnership, formed under the authority of this chapter, no part of the capital stock shall be withdrawn therefrom, nor any division of interest or profits be made, so as to reduce such capital stock below the sum, stated in the certificate above mentioned.

Special partners liable to refund moneys withdrawn, or divided.
1836, 211, § 8.

SECT. 13. If, during the continuance, or at the termination, of the partnership, the property shall not be sufficient to pay the partnership debts, then the special partners shall be severally answerable for all sums by them in any way received, withdrawn or divided, with interest thereon from the time they were so respectively withdrawn.

Of general assignments by such partnerships.
1836, 211, § 8.

SECT. 14. No general assignment by such partnership, in view of insolvency, or where their property is insufficient to pay their debts, shall be valid, unless it shall provide for a distribution of the partnership property among all the creditors, in proportion to the amount of their several claims, excepting the claims of the government of the United States, arising from bonds given for duties, which are first to be paid.

Assent of creditors thereto to be presumed.
1836, 211, § 8.

SECT. 15. The assent of the creditors to such an assignment shall be presumed, unless they, either expressly, or by some act inconsistent with such assent, shall dissent therefrom within sixty days from the time of notice; and no such assignment shall be valid, unless notice thereof shall be given in some newspaper, printed in the county where the place of business of the assignors is situated, and if there is none printed in such county, then in some one in an adjoining county, or in the newspaper published by the printer to the state, within fourteen days after the making such assignment.

Mode of notice.

In whose names suits may be brought.
1836, 211, § 9.

SECT. 16. All suits, respecting the business of such partnership, shall be commenced and prosecuted by and against the general partners only, except in those cases, in which provision is herein before made, that special partners shall be deemed general partners, and special partnerships, general partnerships; in which cases, all the partners, deemed general partners, may join or be joined in such suits; and except, also, cases, where special partners shall be severally held responsible, under the provisions of the thirteenth section.

Of voluntary dissolution within the time specified. Notice thereof.
1836, 211, § 10.

SECT. 17. No voluntary dissolution of such partnership shall take place, before the time specified in the certificate before named, unless a notice of such dissolution be recorded in the registry, in which the original certificate, or certificate of renewal or continuance, was recorded, and in any other registry, where a copy of said cer-

tificate was recorded; and published in such paper, as is directed in the seventh section of this chapter. CHAP. 45.

SECT. 18. In all cases, not otherwise provided for in this chapter, the members of limited partnerships shall be subject to the same legal liabilities, and entitled to all the legal immunities, which are incident to general partnerships; and the supreme judicial court may hear and determine, in equity, all questions between co-partners, in any partnership, formed by virtue of this chapter, and between said co-partners [and] any creditors of the firm.

Rights and obligations in cases, not specified, the same as in general partnerships. 1836, 211, § 11.

CHAPTER 46.

OF SALES OF PROPERTY BY LICENSED AUCTIONEERS.

SECT. 1. Licenses by selectmen, &c. for one year.
 2. To be recorded.
 3. Appeal to the county commissioners.
 4. Certain prohibitions upon auctioneers.
 5. Accounts of sales.
 6. Exceptions, as to sales by sheriffs and other officers.

SECT. 7. Several persons may be licensed, if necessary.
 8. Penalty for sales by persons, not licensed.
 9. Penalty for selling property in another town.
 10. Penalty on occupant of any building, for unlawful sales therein.
 11. Mode of recovering penalties.

SECTION 1. The selectmen of any town, and the assessors of any plantation, may license any suitable inhabitant of such town or plantation, by a writing under their hands, to be an auctioneer within the same for one year. Licenses by selectmen, &c. for one year. 1821, 134, § 1. 4 Greenl. 353.

SECT. 2. Such selectmen or assessors shall record every license, they shall so grant, in a book kept by them for that purpose. To be recorded. 1821, 134, § 1.

SECT. 3. If such selectmen or assessors shall unreasonably refuse or neglect, after application made in writing to them, by any person desirous of obtaining such license, such applicant, after having given ten days notice to such selectmen or assessors, may apply to the county commissioners, who are hereby authorized, after a hearing of the parties, to grant such license, if they judge it reasonable; provided such applicant shall give bond to the selectmen or assessors to pay all costs, arising in consequence of such application to the commissioners. Appeal to the county commissioners. 1821, 134, § 2.

SECT. 4. If any person duly licensed, as aforesaid, shall receive any goods for sale at public auction, of any servant or minor, knowing him to be a servant or minor, or shall sell any of his own goods before sunrise, or after sunset, at public auction, he shall forfeit and pay a sum not less than fifty dollars, nor more than one hundred and seventy dollars, for each offence. Certain prohibitions upon auctioneers. 1821, 134, § 3.

SECT. 5. Every person, licensed as aforesaid, shall keep a fair and particular account of all goods and chattels by him sold, stating of whom they were received, and to whom the same were sold. Accounts of sales. 1821, 134, § 3.

SECT. 6. Nothing in any of the preceding sections shall extend to sales made by sheriffs, deputy sheriffs, coroners, constables or Exceptions, as to sales by sheriffs and other