

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED JANUARY 25, 1871;

TO WHICH ARE PREFIXED
THE CONSTITUTIONS

OF THE
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN APPENDIX.

BY AUTHORITY OF THE LEGISLATURE.



PORTLAND:
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more; and all penalties herein provided shall accrue half to the state and half to the person suing therefor. CHAP. 33.

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, or the first day of January, two days shall be allowed. If the fourth day of July, twenty-second of February, Christmas or the first day of January 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.

Days of grace on notes and bills, and changes on account of Sunday, fast, thanksgiving, fourth of July, twenty-second day of February, Christmas, and first day of January.
R. S. c. 32, § 9.
1863 c. 189.
13 Me. 412.
14 Me. 99, 284.

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

Demand on note payable at time and place certain.
R. S. c. 32, § 10.
No person to be charged as acceptor &c.
1867 c. 80.
Waiver of demand, &c., by indorser not valid unless in writing.
1868 c. 152, § 1.

CHAPTER 33.

LIMITED PARTNERSHIPS.

- SEC. 1. To what kinds of business applicable and of what persons to be composed.
2. Certificate to be signed, and the particulars to be therein stated.
3. Certificate to be acknowledged and recorded, and where.
4. Liability for any misstatement therein.
5. Publication of such partnership, and mode of renewing it.
6. Special partners not to be named, or to act.
7. Capital not to be reduced below the amount stated in the certificate, and liability of partners to refund moneys withdrawn or divided.
8. In whose names suits, by and against such partnership may be brought.
9. Voluntary dissolution within the time specified and notice thereof.
10. In cases not otherwise provided for herein, limited partners to be same as general. Equity jurisdiction of the court under this chapter.

SEC. 1. Limited partnerships for the transaction of mercantile, mechanical, or manufacturing business, but not for banking or insurance, may be formed upon the following conditions and liabilities, to

To what kinds of business applicable, and of what

CHAP. 33. consist of one or more persons, called general partners, who shall be jointly and severally responsible, as general partners now are by law, persons to be composed. R. S. c. 31, § 1. and of one or more persons, who contribute a specific sum in actual cash payment, as capital, to the common stock, called special partners, who shall not be liable for the debts of the partnership beyond the sum so contributed by each.

Certificate to be signed, and the particulars to be therein stated. R. S. c. 33, § 2.

SEC. 2. Persons forming such a partnership shall sign a certificate, containing the following particulars:

First.—The name of the firm, under which the partnership is to be conducted.

Second.—The name and place of residence of each of the general and each of the special partners.

Third.—The general nature of the business to be transacted and the amount of capital, which each of the special partners contributes.

Fourth.—The time when the partnership is to commence, and when to cease.

Certificate to be acknowledged and recorded. R. S. c. 33, § 3.

SEC. 3. Such partnership shall not be considered as formed, until such certificate is acknowledged by all the partners before a justice of the peace, and recorded in the registry of deeds for each county or district where such partnership is to have an established place of business, in a book to be kept for that purpose open to public inspection.

Liability for any misstatement therein. R. S. c. 33, § 4.

SEC. 4. If any statement is made in such certificate, which misleads third persons, or is intentionally false, all the persons interested in such partnership shall be liable for all the engagements thereof, as general partners, to any person thereby deceived or injured.

Publication of such partnership, and mode of renewing it. R. S. c. 33, § 5.

SEC. 5. 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 state paper, for six weeks successively, the first publication to be within twenty days thereafter; and if not so published, or if upon every renewal or continuance of such partnership beyond the time originally fixed for its duration, a certificate is not made, signed, acknowledged, recorded, and published, as aforesaid, it shall be deemed a general one.

Special partners not to be named or to act. R. S. c. 33, § 6.

SEC. 6. The business of the partnership shall be conducted under a firm, in which no names are used, but those of the general partners without the word "company" or any other general term; and the general partners only shall transact business; and if the name of any special partner is used in the firm with his consent and privity, or if he makes any contract respecting the concerns of the partnership with any person, except the general partners, he shall be deemed a general partner as to such contract.

SEC. 7. During the continuance of any such partnership, no part of the capital stock shall be withdrawn therefrom, nor any division of interest or profits be made, so as to reduce the capital stock below the sum stated in the certificate above mentioned; and if during the continuance or at the termination of the partnership, the property is not sufficient to pay the partnership debts, 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 of withdrawal, notwithstanding the provision in section eight.

CHAP. 34.

Capital not to be reduced below the amount stated in the certificate, &c.
R. S. c. 33, § 7.

SEC. 8. 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.

In whose names suits may be brought.
R. S. c. 33, § 8.

SEC. 9. No voluntary dissolution of such partnerships shall take place before the time specified in the certificate before named, unless a notice thereof is recorded in each registry, in which the original certificate, or certificate of renewal or continuance is recorded, and published in such paper, as is directed in the fifth section.

Voluntary dissolution and notice thereof.
R. S. c. 33, § 9.

SEC. 10. In all cases not otherwise provided for herein, the members of limited partnerships shall be subject to the liabilities, and entitled to the immunities, 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.

In cases not otherwise provided for herein, limited partners to be same as general, &c.
R. S. c. 33, § 10.

CHAPTER 34.

AUCTIONS AND AUCTIONEERS.

- SEC. 1. Municipal officers to license auctioneers and keep a record thereof.
2. Appeal to county commissioners in case of refusal.
3. Auctioneers to keep particular account of all goods sold, and pay to town a per cent. on goods voluntarily sold for benefit of non-residents, under penalty.
4. Penalty for allowing any one, not a legal voter in the town, to act under him in sales.
5. Penalty for knowingly receiving goods of minors or servants, and for selling before sunrise and after sunset.
6. Real estate lying in two towns may be sold by auctioneer of either. Penalty for selling beyond or without a license.
7. Penalty for knowingly permitting any person to sell goods, contrary to law, in any building or appurtenances.