

MAINE STATE LEGISLATURE

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FOURTH REVISION.

THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED AUGUST 29, 1883, AND TAKING EFFECT JANUARY 1, 1884.

BY THE AUTHORITY OF THE LEGISLATURE.



PORTLAND:
PUBLISHED BY LORING, SHORT & HARMON
AND
WILLIAM M. MARKS, PRINTER.
1884.

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SEC. 9. When grain or other property is so stored in a public warehouse that different lots or parcels are mixed together, so that the identity of the same cannot be accurately preserved, the warehouse-man's receipt for any portion thereof shall be deemed a valid title to so much thereof as is designated in said receipt, without regard to any separation or identification.

CHAP. 31.

Grain, &c., stored in public warehouse becoming mixed.
—proceedings.
1879, c. 111.

CHAPTER 32.

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

NOTARIES PUBLIC AND PROTESTS.

- SEC. 1. Notary's seal. He may administer oath.
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 acknowledgment of deeds, and in other respects, and record thereof.
 4. Copies and certificates under his seal legal evidence of all facts therein stated.
 5. When his office is vacated, his records to be deposited with clerk of 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.

- SEC. 9. Days of grace on notes and bills, and changes thereof on account of Sunday, and legal holidays.

DEMAND ON NOTES AND BILLS.

- SEC. 10. Demand on note payable at time and place certain. Acceptance of bills, drafts or orders, and waiver of demand and notice must be in writing.

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 administer 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.

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

Demand and notice on notes, bills, &c.
R.S., c. 32, § 3.

CHAP. 32.

1883, c. 156, § 1.
15 Me., 454.
16 Me., 43,
247, 260.
17 Me., 363.
18 Me., 295.
21 Me., 219.

and certify all contracts usually recorded or certified by notaries; take depositions the same as a justice of the peace and quorum; 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.

Copies,
evidence.
R.S., c. 32, § 4.

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

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

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.

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

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.

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

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.

Fees for pro-
test, and
appropriation
of penalties.
R.S., c. 32, § 8.

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, and no more; and all penalties herein provided accrue half to the State and half to the prosecutor.

DAYS OF GRACE.

Days of grace
on note,
draft, bill of
exchange or
order,
established.
1880, c. 174.

—Sundays
and holidays.
13 Me., 414.
14 Me., 100,
288.

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 is allowed. If the third day is Sunday, a day of public fast or thanksgiving, appointed by the governor and council, the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, or Christmas, two days are allowed. If the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, 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, or is Sunday, and it is the second day of grace, four days are allowed.

(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.

DEMAND ON NOTES AND BILLS.

CHAP. 32.

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 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.

Demand on note payable at time and place certain. R.S., c. 32, § 10. 30 Me., 32. 69 Me., 91. —acceptor, when charged. —waiver of demand to be in writing.

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 mis-statement therein.
 5. Publication of such partnership, and mode of renewing it.
 6. Special partners not to be named, and not 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, 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 consist of one or more persons, called general partners, who shall be jointly and severally responsible, as general partners are by law, 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.

To what kinds of business applicable, and of what persons to be composed. R.S., c. 33, § 1.

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

Certificate to be signed. R.S., c. 33, § 2.

I.—The name of the firm, under which the partnership shall be conducted.

Particulars to be therein stated.

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

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

IV.—The time when the partnership shall commence, and when it shall cease.

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 registry

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