

ing, warehouse or storage receipt, or other negotiable instrument, shall be precluded from so recovering by reason of his inability from any cause, to produce such instrument in evidence at the trial, or surrender the same to the defendant; *provided* always, that the absence of such instrument shall be sufficiently accounted for, under the ordinary rules of evidence, to allow the introduction of secondary proof of the contents thereof at the trial, and that no judgment thereupon shall be entered for the plaintiff in such suit until a good and sufficient bond shall have been first filed therein by the plaintiff, or on his behalf, in such penalty and with such surety or sureties as the court shall approve, conditioned to hold and keep the defendant harmless, upon satisfaction of the judgment by him, to the same effect and intent as if said missing instrument were then and there produced and surrendered to him, and the costs in all such cases shall be adjudged by the court, in its discretion, as may be equitable.

Proviso.

Instrument to be accounted for

Contents.

LEGAL HOLIDAYS.

**10.** Where bills of exchange or promissory notes become due and payable on Christmas day, or New Year's day, or on the fourth day of July, or on the twenty-second day of February, or on any day of public thanksgiving or humiliation and prayer, proclaimed by the governor of this State, or by the authority of the legislature thereof, the same shall be payable on the day next before said Christmas day, New Year's day, fourth day of July, twenty-second day of February, or day of thanksgiving or humiliation as aforesaid, unless said next preceding day shall be Sunday, in which event said promissory notes or bills of exchange shall be payable on the Saturday preceding; and it shall not be necessary for the holders of such bills of exchange or promissory notes, payable as aforesaid, to give notice of the dishonor thereof until the day next after said Christmas day, New Year's day, fourth of July, or twenty-second of February, or day of thanksgiving or humiliation as aforesaid; and in case said next succeeding day shall be Sunday, it shall not be necessary for the holders of said bills of exchange and promissory notes to give notice of the dishonor thereof until the second day next succeeding said Christmas day, New Year's day, fourth of July, or twenty-second of February, or day of humiliation or thanksgiving as aforesaid; and every such notice so given as aforesaid shall be valid and effectual to all intents and purposes.

1862, c 70  
When notes or bills maturing on holidays payable, and when notice of dishonor to be given.

**11.** Whenever Christmas day, New Year's day, the fourth day of July, or the twenty-second day of February, shall fall on Sunday, bills of exchange, promissory notes, bank checks, and all other papers requiring protest, which may become due and payable on the Monday immediately following either of said days, shall be payable on the Saturday next preceding the same; and it shall not be necessary for the holders of such bills of exchange or promissory notes,

1874, c 37.  
Certain holidays falling on Sunday, when notes and bills maturing on Monday following payable, and when notice of dishonor to be given.