

LEGAL HOLIDAYS Act 124 of 1865

AN ACT to designate the holidays to be observed in acceptance and payment of bills of exchange, bank checks and promissory notes, the business of banking, savings and loan, building and loan, municipal offices, the holding of courts and relative to the continuance of suits.

History: 1865, Act 124, Eff. June 22, 1865;—Am. 1919, Act 335, Eff. Aug. 14, 1919;—Am. 1948, 1st Ex. Sess., Act 33, Eff. Aug. 20, 1948.

The People of the State of Michigan enact:

435.101 Public holidays as to bills, checks, notes, and holding of courts; validity of bank transactions performed on Saturday; holding court or transacting business on Saturday; continuation of action, matter, or proceeding; adjournment of circuit court to secular day; validity of legal process, holding courts, or transaction of business on Saturday afternoons; closing of county or municipal offices on Saturday; state employees working on Sunday.

Sec. 1. The following days namely: January 1, New Year's day; the third Monday in January in conjunction with the federal holiday, Martin Luther King, Jr. day; February 12, Lincoln's birthday; the third Monday of February, Washington's birthday; the last Monday of May, Memorial or Decoration day; July 4; the first Monday in September, Labor day; the second Monday in October, Columbus day; November 11, Veterans' day; December 25, Christmas day; every Saturday from 12 noon until 12 midnight, which is designated a half holiday; and the fourth Thursday of November, Thanksgiving day, for all purposes regarding the presenting for payment or acceptance, and the protesting and giving notice of the dishonor of bills of exchange, bank checks, and promissory notes, also for the holding of courts, except as otherwise provided in this act, shall be treated and considered as the first day of the week, commonly called Sunday, and as public holidays or half holidays. Bills, checks, and notes otherwise presentable for acceptance or payment on these days shall be considered as payable and presentable for acceptance or payment on the next secular or business day following the holiday or half holiday. A law in this state shall not affect the validity of, or render void or voidable, the payment, certification, or acceptance of a check or other negotiable instrument or any other transaction by a bank in this state, because done or performed on a Saturday between 12 noon and midnight, if the payment, certification, acceptance, or other transaction would be valid if done or performed before 12 noon on that Saturday. This act does not compel a bank, savings and loan association, or building and loan association in this state, which by law or custom is entitled to close at 12 noon on a Saturday, to keep open for the transaction of business or to perform the acts or transactions described in this section, on a Saturday after that hour except at its own option in construing this section, every Saturday, unless a whole holiday, shall for the holding of court and the transaction of business authorized by the laws of this state be considered a secular or business day. If the return or adjourn day in an action, matter, or hearing before a court, officer, referee, or arbitrators, falls on any of the days mentioned in this section except Sunday, then that action, matter, or proceeding, commenced or adjourned, shall not, by reason of coming on any of those days except Sunday, abate, but shall stand continued on the next succeeding day, at the same time and place unless the next day is the first day of the week, or a holiday, in which case it shall stand continued to the day succeeding the first day of the week or holiday, at the same time and place. When the first day of the general term of a circuit court, as fixed by the order of a circuit judge, falls upon either of the days mentioned in this section or when a circuit court is adjourned to a day mentioned in this section, that court may be adjourned to the following secular day. This act shall not prevent or invalidate the entry, issuance, service, or execution of a writ, summons, or confession of judgment, or other legal process, the holding courts or the transaction of lawful business except banking on any of the Saturday afternoons designated in this act as half holidays, nor shall this act prevent a bank, savings and loan association, or building and loan association from keeping its doors open or transacting its business on Saturday afternoons, if by vote of its directors it elects to do so. The legislative body of a county or city may, by ordinance or resolution, provide for the closing of county or municipal offices for any or for all purposes on every Saturday. This act shall not affect state employees working on a Sunday in accordance with their employment as construed by the civil service commission.

History: 1865, Act 124, Eff. June 22, 1865;—Am. 1871, Act 28, Eff. July 18, 1871;—CL 1871, 1559;—Am. 1875, Act 163, Imd. Eff. Apr. 29, 1875;—Am. 1881, Act 208, Eff. Sept. 10, 1881;—How. 1591;—Am. 1893, Act 77, Eff. Aug. 28, 1893;—Am. 1893, Act 185, Eff. Aug. 28, 1893;—CL 1897, 4880;—Am. 1903, Act 254, Eff. Sept. 17, 1903;—Am. 1905, Act 35, Imd. Eff. Mar. 29, 1905;—Am. 1909, Act 246, Eff. Sept. 1, 1909;—CL 1915, 6232;—Am. 1919, Act 335, Eff. Aug. 14, 1919;—Am. 1929, Act 155, Imd. Eff. May

20, 1929;—CL 1929, 9085;—Am. 1935, Act 101, Imd. Eff. May 28, 1935;—Am. 1945, Act 97, Eff. Sept. 6, 1945;—Am. 1946, 2nd Ex. Sess., Act 2, Imd. Eff. July 15, 1946;—Am. 1948, 1st Ex. Sess., Act 33, Eff. Aug. 20, 1948;—CL 1948, 435.101;—Am. 1955, Act 93, Eff. Oct. 14, 1955;—Am. 1969, Act 12, Eff. Jan. 1, 1971;—Am. 1973, Act 13, Imd. Eff. Apr. 18, 1973;—Am. 1974, Act 9, Imd. Eff. Feb. 5, 1974;—Am. 1977, Act 136, Imd. Eff. Nov. 7, 1977;—Am. 1984, Act 4, Imd. Eff. Feb. 1, 1984.

Compiler's note: The text "...own option in construing this section..." evidently should read "...own option. In construing this section..."

435.102 Monday deemed public holiday where certain holidays fall on Sunday; presentation of bills, checks, and notes.

Sec. 2. Whenever January 1; February 12; July 4; November 11; or December 25 shall fall upon Sunday, the next Monday following shall be deemed a public holiday for any or all of the purposes aforesaid. In such cases all bills of exchange, checks, and promissory notes made after the passage of this act which would otherwise be presentable for acceptance or payment on such Monday shall be deemed to be presentable for acceptance or payment on the secular business day next succeeding the holiday.

History: Add. 1893, Act 185, Eff. Aug. 28, 1893;—CL 1897, 4881;—Am. 1909, Act 246, Eff. Sept. 1, 1909;—CL 1915, 6233;—CL 1929, 9086;—Am. 1935, Act 101, Imd. Eff. May 28, 1935;—Am. 1948, 1st Ex. Sess., Act 33, Eff. Aug. 20, 1948;—CL 1948, 435.102;—Am. 1955, Act 93, Eff. Oct. 14, 1955;—Am. 1969, Act 12, Eff. Jan. 1, 1971;—Am. 1973, Act 97, Imd. Eff. Aug. 8, 1973.

435.103 Saturday closing for banks, savings and loan associations and building and loan associations.

Sec. 3. In addition to the holidays and half-holidays designated in section 1 of this act, and notwithstanding the provisions of any other law of this state to the contrary, any one or more Saturdays up to 12 o'clock noon upon which a bank, savings and loan association, and building and loan association, as hereinafter defined, may desire to close as hereinafter provided, is hereby designated a holiday for such bank, savings and loan association, and building and loan association for such period and shall for all purposes whatever as regards the presenting for payment or acceptance, and the protesting and giving notice of the dishonor of bills of exchange, bank checks and promissory notes, after this act shall take effect, but for no other purpose be treated and considered as the first day of the week, commonly called Sunday. All such bills, checks and notes otherwise presentable for acceptance or payment on any such holiday shall be deemed to be payable and presentable for acceptance or payment on the secular or business day next succeeding such holiday.

The terms "bank", "savings and loan association" or "building and loan association" as used in this section shall mean any bank, savings and loan association or building and loan association organized under the laws of this state, any partnership or individual conducting a legally authorized private banking business, any national bank or federal savings and loan association and any federal reserve bank or branch thereof.

Any bank, savings and loan association or building and loan association desiring to close as aforesaid shall install a night depository before so doing.

Any bank, savings and loan association or building and loan association desiring to close as aforesaid shall adopt a resolution to that effect concurred in by a majority of its board of directors, or if a private bank by a majority of its partners or by all of them if there be no more than 2 partners, notice of which shall be posted in its banking house or place of doing business for not less than 15 days before the taking effect thereof.

History: Add. 1948, 1st Ex. Sess., Act 33, Eff. Aug. 20, 1948;—CL 1948, 435.103.