

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE.

1859.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840, and March 16, 1842.

AUGUSTA:

STEVENS & SAYWARD, PRINTERS TO THE STATE.

1859.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1859.

CHAP. 113.

Chapter 113.

An act to amend chapter sixty-four of the revised statutes, concerning embezzlement of property of deceased persons.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Ch. 64, sec. 55,
R. S. amended.

SECT. 1. Section fifty-five of chapter sixty-four of the revised statutes, is amended, so as to read as follows:

Judge may cite
persons sus-
pected of em-
bezzlement,
examine under
oath, require to
produce books.

SECT. 55. Upon complaint made to the judge of probate by an executor, administrator, heir, legatee, creditor or other person interested in the estate of a person deceased, against any one suspected of having concealed, embezzled or conveyed away any of the money, goods or effects of the deceased, or of aiding others in so doing, he may cite such suspected person to appear before him to be examined on oath in relation thereto, and may require him to produce for the inspection of the court and parties, all books, papers or other documents within his control relating to the matter under examination.

Ch. 64, sec. 57,
R. S. amended.

SECT. 2. Section fifty-seven of said chapter, is amended, so as to read as follows:

Penalty for re-
fusing to ap-
pear and com-
ply when cited;
liable to party
injured.

SECT. 57. If any person duly cited as aforesaid, refuses to appear and submit himself to such examination, or to answer all lawful interrogatories, or to produce such books, papers or documents, the judge shall commit him to the jail of the county, there to remain until he submits to the order of the court, or is discharged by the complainant or the supreme judicial court; and he shall also be liable to any injured party in an action in the case, for all the damages, expenses and charges arising from such refusal.

Purchaser of
effects may sue.

SECT. 3. The purchaser of any personal effects, or rights of action, sold by an executor or administrator, may sue therefor in his own name subject to the same defense as in the name of the executor or administrator.

SECT. 4. This act shall take effect from and after its approval by the governor.

[Approved April 4, 1859.]

Chapter 114.

An act relating to attachment of mortgaged personal property.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Claimant under
mortgage, of
personal prop.

SECT. 1. Whenever personal property hereafter attached or seized by an officer on a writ or execution, shall be claimed by any