

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1874.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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1874.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1874.

Chapter 168.

CHAP. 168.

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

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

SECT. 1. Section sixty-five of chapter sixty-four of the revised statutes is hereby amended by adding after the word "effects" in the fifth line thereof the following, 'or real estate,' so that said section as amended shall read as follows :

Sec. 65, ch. 64, R. S., amendment of.

'SECT. 65. 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, effects or real estate of the deceased, or of having fraudulently received any such money, goods, effects, or real estate, 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.'

Embezzlement of estate of deceased persons, proceedings in case of.

SECT. 2. This act shall not apply to any examination touching the estate of persons deceased at the date of its approval.

SECT. 3. This act shall take effect when approved.

Approved February 18, 1874.

Chapter 169.

An act to amend chapter sixty-four of the revised statutes, relating to the executors and administrators.

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

SECT. 1. Section fourteen of chapter sixty-four of the revised statutes is hereby amended by striking out all of said section between "manner" in the third line, and "give" in the sixth line, and inserting 'but nothing herein shall,' instead, so that the section as amended, shall read :

Sec. 14, ch. 64, R. S., amendment of.

'SECT. 14. Such will shall have the same force as if it had been originally proved and allowed in the same court in the usual manner, but nothing herein shall give any operation and effect to the will of an alien different from what it would have, if originally proved and allowed in this state.'

Validity of certain wills established.

SECT. 2. Section seventeen of the same chapter is hereby amended by striking out "other person" in the last of said

Sec. 17, amendment of.

CHAP. 170. section, and inserting instead 'person or persons,' so that the section as amended, shall read :

Administration on the estate of deceased persons intestate, how made.

'SECT. 17. Upon the decease of any person intestate the judge of probate having jurisdiction shall grant administration of such intestate goods or estate to the widow, husband, next of kin, or husband of the daughter of the deceased, or to two or more of them, as he thinks fit, if the applicant is over the age of twenty-one years and in other respects suitably qualified for the trust, but if they are unsuitable, or being residents in the county, they after due notice neglect or refuse for thirty days from the decease of the intestate to take out letters of administration he may commit administration on such estate to such person or persons as he deems suitable.'

Approved February 18, 1874.

Chapter 170.

An act to amend section fifty-three of chapter forty of the revised statutes, relating to penalty for taking certain fish unlawfully.

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

Sec. 53, ch. 40, amendment of.

Section fifty-three of chapter forty of the revised statutes is hereby amended by adding after the word "taken," in the fifth line, the following: 'and in default of payment thereof shall be imprisoned in the county jail of the county in which the offense is committed, at the expense of the prosecutor, until said forfeiture is paid or otherwise discharged by due process of law,' so that the said section as amended shall read as follows :

Penalty for fishing in ponds, &c., where fish are artificially cultivated.

'SECT. 53. Whoever fishes in that portion of a pond, stream or other water in which fishes are lawfully artificially cultivated or maintained as aforesaid, without the permission of the proprietor, shall forfeit not more than fifty nor less than ten dollars, and one dollar for every fish so taken ; and in default of payment thereof shall be imprisoned in the county jail of the county in which the offense is committed, at the expense of the prosecutor, until said forfeiture is paid or otherwise discharged by due process of law.'

Approved February 18, 1874.