

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE.

1883.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 18, 1840, and March 16, 1842.

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1883.

PUBLIC LAWS
OF THE
STATE OF MAINE.
1883.

CHAP. 241.**Chapter 241.**

An Act to repeal chapter seventy of the Revised Statutes, relating to assignments for the benefit of creditors.

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

Ch. 70, R. S., as amended by chapters 73 & 89, public laws 1876, repealed.

Chapter seventy of the revised statutes, as amended by chapter seventy-three and eighty-nine of the public laws of the year eighteen hundred and seventy-six, is hereby repealed.

Approved March 15, 1883.

Chapter 242.

An Act relating to compensation of County Commissioners for Cumberland and Aroostook Counties.

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

Compensation of commissioners of Cumberland and Aroostook counties, established.

Each county commissioner for Cumberland and Aroostook counties shall receive two dollars and fifty cents a day while actually employed in the service of the county, including the time spent in traveling, for which he shall have eight cents a mile for the distance actually traveled ; but he shall not have more than one travel in the same hearing or session, nor for more than two adjournments of any regular term, nor for service or travel on more than one petition or case at the same time, nor anything for travel or attendance at the legislature connected with the annual county estimates, nor for any additional trouble or expense of any kind.

Approved March 15, 1883.

Chapter 243.

An Act to amend section twelve of chapter eighty-seven of the Revised Statutes, relating to actions by or against executors or administrators.

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

Sec. 12, ch. 87, R. S., as amended by ch. 85, public laws 1872, further amended.

SECT. 1. Section twelve of chapter eighty-seven of the revised statutes, as amended by chapter eighty-five of the public laws of eighteen hundred and seventy-two, is hereby

further amended so that the same section, as amended, shall read as follows :

'SECT. 12. If an action against an executor or administrator, on a claim against the estate, shall be commenced, except as provided in sections thirteen and fifteen, without such claim being first presented in writing and payment demanded, or the claim being filed in the probate office, supported by the affidavit of the claimant, or of some other person cognizant thereof, as provided in chapter sixty-four, section sixty-two, and such notice given as the court orders thereon, at least thirty days before the action is commenced, and within two years after notice is given by him of his appointment, such action shall be continued at the cost of the plaintiff till the next term of court, and such further time and on such other terms as the court shall order, and a tender of payment or offer thereof filed in the case during the time said action is so continued, shall bar the same, and the defendant shall recover his costs ; and no action shall be maintained on any such claim, unless commenced during said two years, or within six months next following, except as provided in the following sections. Executors or administrators residing out of the state at the time of giving notice of their appointment, shall appoint an agent or attorney in the state, and insert his name and address in such notice. Executors or administrators removing from the state, after giving notice of their appointment, shall appoint an agent or attorney in the state, and give public notice thereof ; demand or service made on any such agent or attorney shall have the same effect in law as if made on such executor or administrator. When an executor or administrator, residing out of the state, has no agent or attorney in the state, demand or service may be made on one of his sureties, and shall have the same legal effect as if made on him.'

Action, commenced against executor or administrator before payment is demanded and notice given, shall be continued till next term.

No action maintained unless commenced during two years after notice of appointment.

Executors and administrators residing out of state, required to appoint an agent or attorney residing in the state, on whom demand or service may be made.

SECT. 2. This act shall not apply to, nor effect any suits now pending.

Act not to apply to pending suits.