

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE

1899.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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PUBLIC LAWS

OF THE

STATE OF MAINE.

1899.

CHAP. 120

—how changes may be made in location.

—shall not cross tide waters except by permission of the legislature.

—crossings of public bridges, shall be by permission of municipal officers.

—when county is liable for repair of bridge, county commissioners shall have authority.

—no road shall be located in any city, without permission of mayor and aldermen.

the same with the board of railroad commissioners. Any extension of, addition to or variation from the location by any street railway organized under the provisions of this act may be made in accordance with, and subject to the limitations of the foregoing provisions, provided, that no railway shall be located across tide waters, where vessels can navigate, without special permission of the legislature first obtained. But no such permission shall be necessary where such railways desire to cross public bridges already erected, but the authority to determine whether such crossing shall be permitted shall rest with the municipal officers of the cities or towns liable for the repair of such bridges, respectively, who may impose such conditions and terms upon railways desiring to cross the same as to them may seem expedient. In case any county is liable for the repair of a bridge, the county commissioners of such county shall have authority in the premises. But no road shall be located under this act, over any street in any city in this state, without the permission of the mayor and aldermen thereof, unless it shall be otherwise determined by a committee of judges of the supreme judicial court, on appeal, as hereinbefore provided for appeals from the decisions of the board of railroad commissioners, and such appeal may be taken by any party interested, including an existing street railroad claiming to be injuriously affected by such location, to the supreme judicial court, substantially in the manner and with the effect as hereinbefore provided.'

Approved March 17, 1899.

Chapter 120.

An Act to amend Chapter eighty-seven of the Revised Statutes, as amended by Chapter two hundred and eighteen of the Public Laws of eighteen hundred and ninety-three and Chapter one hundred and thirty-three of the Public Laws of eighteen hundred and ninety-five, relating to the limitations of actions against Executors and Administrators.

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

Section 1. Section eleven of chapter eighty-seven of the revised statutes is hereby repealed.

Section 2. Section twelve of said chapter eighty-seven as amended by chapter one hundred and thirty-three of the public laws of eighteen hundred and ninety-five is hereby amended so as to read as follows:

'Section 12. No action shall be maintained against executors or administrators on claims against the estate, except as

Section 11, chapter 87, R. S. repealed.

Section 12, as amended by chapter 133, laws 1895, further amended.

Actions against ex-

provided in sections thirteen and fifteen, unless commenced after six months and within eighteen months after notice given by him of his appointment. 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 therein his name and address. 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; service made on such agents or attorneys has the same effect 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, service may be made on one of his sureties with the same effect as if made on him.'

Section 3. Section thirteen of said chapter eighty-seven, as amended by chapter two hundred and eighteen of the public laws of eighteen hundred and ninety-three, is hereby amended so as to read as follows:

'Section 13. When assets come into the hands of an executor or administrator, after said term of eighteen months, an action may be commenced and maintained within six months after the creditor had notice of the receipt of such assets. Judgments rendered in any action authorized by this section shall not disturb payments made in good faith by the executor or administrator prior to the commencement of said action.'

Section 4. Section fourteen of said chapter eighty-seven is hereby amended by striking out the words "two years" in the second line of said section, and inserting in their place the words 'eighteen months,' so that said section, as amended, shall read as follows:

'Section 14. When an action on a covenant or contract does not accrue within said eighteen months the claimant may file his demand in the probate office within that time, verified as required in case of claims presented to commissioners on insolvent estates; and the judge of probate shall direct that sufficient assets, if such there are, shall be retained by the executor or administrator, unless the heirs or devisees of the estate give bond to the executor or administrator, with one or more sureties, approved by the judge to pay whatever is found due on said claim.'

Section 5. Section sixteen of said chapter eighty-seven is hereby amended by striking out the words "two years" in the second line of said section and inserting in place thereof the words 'eighteen months', so that said section, as amended, shall read as follows:

CHAP. 120

Executors or administrators is not maintainable, unless commenced after six months and within eighteen months after notice of appointment.

—executors, etc., residing out of the state, are required to appoint an agent or attorney in the state on whom demand or service may be made.

Section 13, as amended by chapter 218, laws 1893, further amended.

When action may be brought; when assets come into hands of executor, etc after said eighteen months.

Section 14, chapter 87, R. S., amended.

Proceedings, when action does not accrue within eighteen months.

Section 16, amended.

CHAP. 121

When claim is not filed within eighteen months, remedy.

Section 17, amended.

Time within which action can be brought against administrator de bonis non.

Act shall not apply to pending actions.

'Section 16. When such claim has not been filed in the probate office within said eighteen months, the claimant may have remedy against the heirs or devisees of the estate within one year after it becomes due and not against the executor or administrator.'

Section 6. Section seventeen of said chapter eighty-seven, is hereby amended so as to read as follows:

'Section 17. When a vacancy occurs within said eighteen months and an administrator de bonis non is appointed, an action may be commenced after six months and within eighteen months after notice given by him of his appointment.'

Section 7. This act shall not apply to any pending action nor to any cause of action against estates in which administration has already been granted.

Approved March 17, 1899.

Chapter 121.

An Act to amend Section eight of Chapter sixty of the Revised Statutes, regulating the right to trial by jury in Divorce Suits.

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

Section 8, chapter 60, R. S., amended.

Section 1. Section eight of chapter sixty of the revised statutes is hereby amended by inserting after the word "requests," in the first line thereof, the words 'in writing filed with the clerk on or before the return day of the libel,' so that said section, as amended, shall read as follows:

Jury trial.

'Section 8. If either party requests in writing filed with the clerk on or before the return day of the libel, or the court orders it, the case shall be submitted to a jury; and if they find the allegations are true, and that a divorce ought to be granted according to section two, the court shall so decree.'

Section 2. This act shall not affect pending cases.

Approved March 17, 1899.