

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE

1903.

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

OF THE

STATE OF MAINE.

1903.

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## CHAP. 186

**Chapter 186.**

An Act to repeal Sections twenty-three and twenty-four of Chapter thirty-nine of the Revised Statutes, relating to Paper.

Sections 23  
and 24 of  
chapter 39, R.  
S. repealed.

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

Section 1. Sections twenty-three and twenty-four of chapter thirty-nine of the revised statutes are hereby repealed.

Section 2. This act shall take effect when approved.

Approved March 28, 1903.

**Chapter 187.**

An Act to amend Sections thirty-eight, forty and fifty-one of Chapter sixty-four of the Revised Statutes, relating to Executors and Administrators.

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

Sections 38 of  
chapter 64, R.  
S., amended.

Section 1. Section thirty-eight of chapter sixty-four of the revised statutes is hereby amended by striking out the first fifteen words and inserting in place thereof the following: 'Every executor or administrator within three months after his appointment or within such further time, not exceeding three months, as the judge allows,' so that said section as amended shall read as follows:

Executor or  
adminis-  
trator shall  
give notice of  
appointment  
within three  
months.

'Section 38. Every executor or administrator within three months after his appointment or within such further time, not exceeding three months, as the judge allows, shall cause notice of his appointment to be posted in two or more public places to be specified by the judge in the town where the deceased last dwelt, if in the state, and shall give such further notice as the judge in writing directs.'

Section 40 of  
chapter 64,  
amended.

Section 2. Section forty of chapter sixty-four is amended so that the same shall read as follows:

Notice proved  
by affidavit,  
filed and  
recorded.

'Section 40. An affidavit of the executor or administrator or of the person employed by him to give such notice shall be filed with a copy of the notice in the probate court within one year after his appointment, and the register shall note thereon the time of filing, enter the same on his docket, and record said affidavit, and such record is evidence of the time, place and manner in which the notice was given.

—affidavit  
shall be filed  
within four  
months

In case an appeal is taken from the appointment of an executor or administrator, then said affidavit shall be filed, noted,

## CHAP. 188

entered and recorded as above provided within four months after final decree.

if appeal  
is taken.

In case of a vacancy in the office of executor or administrator before affidavit has been filed as aforesaid then said affidavit shall be filed as above provided within four months after the appointment of the administrator de bonis non or the administrator with the will annexed. Whenever an executor or administrator fails to give said notice or to file such affidavit as above provided he may be removed from his trust by the judge of probate, in his discretion, upon petition of any interested party.'

—adminis-  
trator de  
bonis non, or  
with will  
annexed shall  
file within  
four months.

Section 3. Section fifty-one of chapter sixty-four of the revised statutes, is amended by striking out the following words in the third and fourth lines "in case of credits and rights to property not in possession" so that said section as amended shall read as follows:

Section 51 of  
chapter 54, R.  
S., amended.

'Section 51. Every executor or administrator shall account for the personal property and effects named in the inventory at the appraised value, unless sold under license as provided in the preceding section; but if loss accrues without his fault or negligence, he may be allowed the amount of such loss in his account of administration; and if any goods or effects not sold under license, allowed to the widow, nor distributed to the heirs or devisees, are shown to be of greater value than they are appraised at, he shall account for the difference.'

For what  
executors  
and adminis-  
trators shall  
account.

Section 4. This act shall take effect when approved.

Approved March 28, 1903.

## Chapter 188.

An Act to amend Chapter eleven of the Public Laws of eighteen hundred and eighty-seven, as amended by Chapter forty-four of the Public Laws of eighteen hundred and ninety-nine, authorizing cities and towns to accept legacies, devises and bequests, and to raise money.

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

Section 1. Section one of chapter eleven of the public laws of eighteen hundred and eighty-seven, as amended by chapter forty-four of the public laws of eighteen hundred and ninety-nine is hereby amended by inserting after the word "affairs" in the ninth line thereof the words, 'provided, however, that in cities the acceptance of such devise, bequest or conditional gift may be by vote of the city council instead of by the inhabitants at a special election, if the municipal officers shall so direct.' By inserting

Section 1 of  
chapter 11,  
public laws of  
1887, as  
amended by  
chapter 44,  
public laws of  
1899, further  
amended.