

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1959 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES
VOLUME 4

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THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1959

Chapter 163.

Sales of Real Estate by License of Court.

Granting of License.

Sec. 1. Sale, lease, mortgage or exchange of real estate.

IV. Of a husband or guardian of an incapacitated wife, resident in the county, to sell or mortgage, on such terms and conditions as the judge thinks proper, for a sufficient consideration, any real estate held by him in right of his wife, or any of her right and interest by descent in any real estate owned by him; and of a wife or guardian of an incapacitated husband, resident in the county, to sell or mortgage in like manner the right and interest by descent, of such ward, in any real estate owned by his wife. For the purposes of this subsection, an insane husband or wife who has been committed to an asylum for insane persons within this state shall be deemed to remain a resident of the county in which he or she had a residence at the time he or she was committed, so long as he or she shall remain in such asylum by virtue of such commitment. (1959, c. 11.)

Effect of amendment.—The 1959 amendment added the words “a wife or” and deleted the word “the” after the word “of” and before the word “guardian” and added the words “or mortgage” after the word

“sell” and before the words “in like manner” in the first sentence of subsection IV.

Since the remainder of the section was not affected by the amendment, only subsection IV is set out above.

Chapter 164.

Probate Bonds.

Actions on Bonds.

Sec. 7. In action against surety, principal made party.—If the principal in any such bond resides in the state when an action is brought thereon, and is not made a party thereto, or if at the trial thereof, or on proceedings on a judgment against the sureties only, he is in the state, the court, at the request of any such surety, may postpone or continue the action long enough to summon or bring him into court. (R. S. c. 151, § 7. 1959, c. 317, § 289.)

Effect of amendment.—The 1959 amendment substituted the word “proceedings” for the words “scire facias” near the middle of this section.

Effective date and applicability of Public Laws 1959, c. 317. — Section 420, chapter 317, Public Laws 1959, provides as follows: “This act shall become effective December 1, 1959. It shall apply to all actions brought

after December 1, 1959 and also to all further proceedings in actions at law or suits in equity then pending, except to the extent that in the opinion of the court the application of this act in a particular action pending on December 1, 1959 would not be feasible or would work injustice, in which event the laws in effect prior to December 1, 1959 would prevail.”

Sec. 9. Action on administrator’s or executor’s bond.

It is only when the breach is fraudulently concealed that action may be commenced later than six years from the time of breach of an administrator’s or execu-

tor’s bond, and then it must be commenced within three years from the date of discovery. *Dunton v. Maine Bonding & Casualty Co.*, 150 Me. 205, 107 A. (2d) 776.

Actions without Authority of Judge.

Sec. 11. Action on bond.—Any person interested personally or in any official capacity in a probate bond, or in a judgment rendered thereon, whose interest has