

# MAINE STATE LEGISLATURE

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October 1, 1929

To Matthew Laughlin, Esquire  
Re: Joint Deposits, Administrator's Powers

Very much interested in yours of September 30th. This matter of two-name deposits is by no means clear. I am not sure there is much conflict between the short answer which you quote to Question 3, in the Bank Commissioner's letter\*, and your own suggestion regarding the practice in Bangor.

Expanded, the answer to Question 3 is this. If either the survivor or the administrator of the estate of the deceased comes in with the book, the bank would be justified in paying the deposit to this person, but, to be on the safe side, might well ask for the joint receipt or hold up payment until satisfied that the other had no claim.

The practice in Bangor, as you outline it, evidently differs from this merely in that the bank would not actually pay it over to the administrator of the first depositor if he was the one to show up with the book, but would send him back to get a Court order or assent of the survivor.

The difference between my answer and the Bangor practice, as I understand it, merely is that reference to what happens in an instance where it is the administrator of the first depositor who shows up with the book.

Whether my answer or the Bangor practice is right as a matter of law in such cases may well be a problem. Does "either" include the administrator of the one who dies first, or is he cut out by the fact that "of the survivor" is added? It may well be a close question and as a practical suggestion any bank might do well to hold up paying it if it is the administrator who shows up with the book.

Clement F. Robinson  
Attorney General

\*"Either, until notice from the other or someone representing or claiming by reason of the other."