

MAINE STATE LEGISLATURE

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FIFTY-FIRST LEGISLATURE.

HOUSE.

No. 120.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO.

AN ACT to amend sections sixty-five, sixty-six and sixty-seven of chapter sixty-four of the revised statutes, relating to the embezzlement of the property of deceased persons, and additional thereto.

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

SECTION 1. The sixty-fifth section of the sixty-fourth chapter of the revised statutes, is hereby amended as follows: by inserting after the words "conveyed away," in the fourth line, the words 'or fraudulently received or retained;' by adding after the word "effects" in the fifth line, the words 'or other estate, real or personal or rights therein;' by striking out the word "may" and inserting 'shall' in the sixth line; and by adding to the section the words "such exam-

10 ination shall be in writing, signed by the person
11 examined, and filed in said court," so that said sec-
12 tion as amended shall read thus :

13 *Sect. 65.* Upon complaint made to the judge of
14 probate, by an executor, administrator, heir, lega-
15 tee, creditor or other person interested in the estate of
16 a person deceased against any one suspected of having
17 concealed, embezzled, conveyed away or fraudulently
18 received or retained any of the money, goods, effects
19 or other estate, real or personal, of the deceased or
20 or rights therein or of aiding others in so doing, he
21 shall cite such suspected person to appear before him
22 to be examined, on oath, in relation thereto, and may
23 require him to produce for the inspection of the court
24 and parties, all books, papers or other documents
25 within his control, relating to the matter under exam-
26 ination. Such examination shall be in writing, signed
27 by the person examined and filed in said court.

SECT. 2. Chapter sixty-four is further amended by
2 adding :

3 *Sect. 68.* When such complaint is filed and a cita-
4 tion is ordered thereon in the probate court, the
5 complainant or other persons interested in such estate,
6 may cause a copy of such complaint and order to be
7 filed in the registry of deeds in each county where
8 any real estate or interest therein is located, which is

9 alleged in said complaint to be fraudulently held by
10 the person suspected; and the register of deeds shall
11 enter the same in the books of his office the same as
12 an attachment; and there shall be a lien on such real
13 estate or interest therein from the time of so filing in
14 any county, which may be enforced by an attachment
15 in any appropriate suit at law or in equity, brought
16 against the person suspected, within thirty days after
17 his examination is closed, by the complainant, or any
18 person interested in such estate, or by the assignee or
19 purchaser of such real estate or rights therein at an
20 executor's or administrator's sale.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 24, 1872. }

Reported from the Committee on Legal Reform, by Mr. CARLE-
TON of Whitefield, and printed under the Rule.

S. J. CHADBOURNE, *Clerk.*