

MAINE STATE LEGISLATURE

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SIXTY-FIRST LEGISLATURE.

HOUSE.

No. 96.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
EIGHTY-THREE.

AN ACT to amend section twelve of chapter eighty-seven of the revised statutes, relating to actions by or against executors or administrators.

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

Section twelve of chapter eighty-seven of the
2 revised statutes, as amended by chapter eighty-five
3 of the public laws of eighteen hundred and seven-
4 ty-two, is hereby further amended by inserting,
5 after the word "demanded" in the fifth line, the
6 words "or the claim is filed in the probate office,
7 supported by the affidavit of the claimant or of
8 some other person cognizant thereof, as provided
9 in chapter sixty-four, section sixty-two, and such

10 notice is given as the court orders thereon;" also
11 by inserting, after the word "demanded" in the
12 eighth line, the words "or filed;" so that the same
13 section amended shall read as follows, viz:

14 *Sect. 12.* No action against an executor or ad-
15 ministrator, on a claim against the estate, shall be
16 maintained, except as provided in sections thirteen
17 and fifteen, unless such claim is first presented in
18 writing and payment demanded, or the claim is
19 filed in the probate office, supported by the affida-
20 vit of the claimant or of some other person cog-
21 nizant thereof, as provided in chapter sixty-four,
22 section sixty-two, and such notice is given as the
23 court orders thereon, at least thirty days before the
24 action is commenced and within two years after
25 notice is given by him of his appointment; and
26 none shall be maintained on a claim so presented
27 and demanded, or filed, unless commenced during
28 said two years or within six months next follow-
29 ing. Executors or administrators residing out of
30 the state at the time of giving notice of their ap-
31 pointment, shall appoint an agent or attorney in
32 the state and insert his name and address in such
33 notice. Executors or administrators removing from
34 the state after giving notice of their appointment,

35 shall appoint an agent or attorney in the state and
36 give public notice thereof; demand or service
37 made on any such agent or attorney shall have the
38 same effect in law as if made on such executors or
39 administrators. When an executor or administra-
40 tor residing out of the state has no agent or
41 attorney in the state, demand or service may be
42 made on one of his sureties and shall have the same
43 legal effect as if made on him.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 15, 1883. }

Reported by Mr. HALL, from the Committee on the Judiciary, and
ordered printed.

ORAMANDAL SMITH, *Clerk.*