

MAINE STATE LEGISLATURE

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Sixty-Fourth Legislature.

SENATE.

No. 91.

STATE OF MAINE.

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

AN ACT to amend section twenty-seven of chapter
sixty-five of the Revised Statutes, relating to the
Distribution of the Property of Deceased Persons.

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

Section twenty-seven of chapter sixty-five of the
2 Revised Statutes is hereby amended by adding
3 thereto the following provision: "If any sum of
4 money directed by a decree of the probate court to
5 be paid over, remains for six months unclaimed,
6 the executor, administrator, guardian or trustee
7 who was ordered to pay over the same, may deposit
8 it in some savings bank or other like institution, as
9 the probate court directs, to accumulate for the
10 benefit of the person entitled thereto. Such deposit

11 shall be made in the name of the judge of probate
12 for the time being, and shall be subject to the order
13 of the judge and his successors in office as herein-
14 after provided. The person making the deposit
15 shall file in the probate court a statement thereof
16 under oath, with the original evidence of such
17 deposit which shall be allowed as a sufficient
18 voucher for such payment. When the person
19 entitled to the money deposited satisfies the judge
20 of his right to receive the same, the judge shall
21 cause it to be paid over to him," so that said sec-
22 tion as amended shall read as follows:

'SECT. 27. When on the settlement of any
24 account of an administrator or executor, there
25 appears to remain in his hands property not neces-
26 sary for the payment of debts and expenses of
27 administration, nor specifically bequeathed, the
28 judge shall order the same to be distributed ac-
29 cording to the will of the deceased, if any, so far
30 as it directs, otherwise according to law; but
31 before any order, determining who are heirs, and
32 the share of each, is passed, public or personal
33 notice shall be given to all interested; and alienage
34 shall be no bar to any person who in other respects
35 is entitled to receive any part of such property.

36 If an executor or administrator neglects to dis-
37 tribute the property in his hands in pursuance of
38 such order, and the parties in interest reside out of
39 the State, and had no actual notice of any such
40 settlement of account, the judge, on petition of any
41 such party, may within six years after such settle-
42 ment, order such executor or administrator to
43 render a new account. If any sum of money
44 directed by a decree of the probate court to be
45 paid over, remains for six months unclaimed, the
46 executor, administrator, guardian or trustee who
47 was ordered to pay over the same, may deposit it
48 in some savings bank or other like institution, as
49 the probate court directs, to accumulate for the
50 benefit of the person entitled thereto. Such de-
51 posit shall be made in the name of the judge of
52 probate for the time being, and shall be subject to
53 the order of the judge and his successors in office
54 as hereinafter provided. The person making the
55 deposit shall file in the probate court a statement
56 thereof under oath, with the original evidence of
57 such deposit, which shall be allowed as a sufficient
58 voucher for such payment. When the person
59 entitled to the money deposited satisfies the judge
60 of his right to receive the same, the judge shall
61 cause it to be paid over to him.'

STATE OF MAINE.

IN SENATE, February 14, 1889.

Reported by Mr. WALTON from Committee on Judiciary, and laid on table to be printed under joint rules.

C. W. TILDEN, *Secretary.*