

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

NEW DRAFT.

Sixty-Fifth Legislature.

HOUSE.

No. 149.

STATE OF MAINE.

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

AN ACT to amend section twenty-seven of chapter sixty-five of the Revised Statutes, as heretofore amended, relating to the distribution of 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 further amended so that the
3 same shall read as follows, to wit:

‘Section 27. When on the settlement of any account of
5 an administrator or executor there appears to remain in
6 his hands property not necessary for the payment of debts
7 and expenses of administration, not specifically be-

8 queathed, the judge upon petition of any party interested,
9 after public notice and such other notice as he may order,
10 shall determine who are entitled to the estate and their
11 respective shares therein under the will or according to
12 law, and order the same to be distributed accordingly ;
13 and alienage shall be no bar to any person, who in other
14 respects, is entitled to receive any part of such property.

If an executor or administrator neglects to distribute the
16 property in his hands in pursuance of such order, and the
17 parties in interest reside out of the State, and had no
18 actual notice of any such settlement of account, the judge,
19 on petition of any such party, may, within six years after
20 such settlement, order such executor or administrator to
21 render a new account. If any sum of money directed
22 by a decree of the probate court to be paid over, remains
23 for six months unclaimed the executor, administrator,
24 guardian or trustee who was ordered to pay over the same,
25 may deposit it in some savings bank or like institution, as
26 the probate court directs, to accumulate for the benefit of
27 the person entitled thereto. Such deposit shall be made
28 in the name of the judge of probate for the time being,
29 and shall be subject to the order of the judge and his
30 successors in office, as hereinafter provided. The person
31 making the deposit shall file in the probate court a state-
32 ment thereof under oath with the original evidence of such
33 deposit, which shall be allowed as a sufficient voucher for
34 such payment. When the person entitled to the money
35 deposited, satisfies the judge of his right to receive the
36 same, the judge shall cause it to be paid over to him. When
37 an executor, administrator, guardian, or trustee has paid
* 38 or delivered over to the persons entitled thereto the money

39 or other property in his hands, as required by a decree of a
40 probate court, he may perpetuate the evidence thereof by
41 presenting to said court, without further notice, within
42 one year after the decree is made, an account of such pay-
43 ments or of the delivery over of such property ; which
44 account being proved to the satisfaction of the court, and
45 verified by the oath of the party, shall be allowed as his
46 final discharge, and ordered to be recorded.'

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 25, 1891.

Reported by Mr. DRUMMOND of Portland, from Committee on Legal
Affairs, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*