

MAINE STATE LEGISLATURE

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NEW DRAFT.

Sixty-Seventh Legislature.

HOUSE.

No. 346.

STATE OF MAINE.

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

AN ACT to amend Section twelve of Chapter eighty-seven
of the Revised Statutes relative to limitation of actions
against Executors and Administrators.

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

SECTION 1. Section twelve of chapter eighty-seven of
2 the Revised Statutes is hereby amended by striking out
3 in line fifteen the words "or within six months following"
4 so that said section as amended shall read as follows :

‘Section 12. Actions against executors or administra-
6 tors, on claims against the estate, except as provided in
7 sections thirteen and fifteen shall, if brought after the
8 time limited in the preceding section, be continued at the

9 cost of the plaintiff until the next term of court, and for
10 such further time and on such other terms as the court
11 may order, unless, at least thirty days before commence-
12 ment of suit, and within two years after notice given by
13 him of his appointment, such claim was presented in writ-
14 ing and payment demanded, or was filed in the probate
15 office, supported by affidavit of the claimant, or of some
16 other person cognizant thereof, as provided in section
17 sixty-two of chapter sixty-four and such notice given as
18 the court orders thereon; a tender of payment or offer
19 thereof filed in the case during the time of such con-
20 tinuance, shall bar the same, and the defendant shall
21 recover his costs; and no action shall be maintained on
22 such claim, unless commenced during said two years, except
23 as provided in the following sections. Executors or admin-
24 istrators residing out of the state at the time of giving
25 notice of their appointment, shall appoint an agent or
26 attorney in the state, and insert therein his name and
27 address. Executors or administrators removing from
28 the state, after giving notice of their appointment, shall
29 appoint an agent or attorney in the state, and give public
30 notice thereof; demand or service made on such agents or
31 attorneys has the same effect as if made on such executor
32 or administrator. When an executor or administrator,
33 residing out of the state, has no agent or attorney in the
34 state, demand or service may be made on one of his sure-
35 ties, with the same effect as if made on him.'

SECT. 2. This act shall not apply to any pending
2 action nor to any cause of action against estates in which
3 administration has already been granted.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
March 13, 1895. }

Reported by Mr. LARRABEE of Portland, from Committee on Judiciary, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*