

MAINE STATE LEGISLATURE

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Seventy-first Legislature.

HOUSE.

No. 400

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND THREE.

AN ACT to amend section one of chapter seventy-five of the Revised Statutes, as amended by chapter one hundred and fifty-seven of the Public Laws of eighteen hundred and ninety-five, and by chapters one hundred and ninety-three and one hundred and ninety-six of the Public Laws of eighteen hundred and ninety-seven, relating to descent of real estate.

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

Section 1. Section one of chapter seventy-five of the
2 Revised Statutes, as amended by chapter one hundred and
3 fifty-seven of the Public Laws of eighteen hundred and
4 ninety-five, and also as amended by chapters one hundred
5 and ninety-three and one hundred and ninety-six of the
6 Public Laws of eighteen hundred and ninety-seven, is hereby
7 further amended so that said section one, as hereby amended,
8 shall read as follows:

‘Sect. 1. The real estate of a person deceased intestate, 10 being subject to the payment of debts, including a wood lot 11 or other land used with the farm or dwelling house although 12 not cleared, and including wild lands of which he dies seized, 13 but excepting wild lands conveyed by him, though afterwards 14 cleared, descends according to the following rules:

‘Rule 1. If he leaves a widow and issue, one-third to the 16 widow. If no issue, one-half to the widow. And if no 17 kindred, the whole to the widow. And to the widower shall 18 descend the same shares in his wife’s real estate. There shall 19 likewise descend to the widow or widower the same share in 20 all such real estate of which the deceased was seized during 21 coverture, and which has not been barred or released as herein 22 provided. In any event, one-third shall descend to the widow 23 or widower free from payment of debts.

‘Rule 2. The remainder of which he dies seized, and if no 25 widow or widower, the whole, shall descend in equal shares 26 to his children, and to the lawful issue of a deceased child 27 by right of representation. If no child is living at the time 28 of his death, to all his lineal descendants; equally, if all are 29 of the same degree of kindred; if not, according to the right 30 of representation.

‘Rule 3. If no such issue, it descends to his father and 32 mother in equal shares.

‘Rule 4. If no such issue or father, it descends one-half to 34 his mother. If no such issue or mother, it descends one-half 35 to his father. In either case, the remainder, or if no such 36 issue, father or mother the whole, descends in equal shares to 37 his brothers and sisters, and when a brother or sister has died, 38 to his or her children or grandchildren by right of repre- 39 sentation.

‘Rule 5. If no such issue, father, brother or sister, it 41 descends to his mother. If no such issue, mother, brother or

42 sister, it descends to his father. In either case, to the exclu-
43 sion of the issue of deceased brothers and sisters.

‘Rule 6. If no such issue, father, mother, brother or sister,
45 it descends to his next of kin in equal degree; when they claim
46 through different ancestors, to those claiming through a
47 nearer ancestor, in preference to those claiming through an
48 ancestor more remote.

‘Rule 7. When a minor dies unmarried, leaving property
50 inherited from either of his parents, it descends to the other
51 children of the same parent, and the issue of those deceased;
52 in equal shares if all are of the same degree of kindred; other-
53 wise, according to the right of representation.

‘Rule 8. If the intestate leaves no widower, widow or kin-
55 dred, it escheats to the State.’

Sect. 2. This act shall take effect on the first day of May,
2 nineteen hundred and three.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,

AUGUSTA, March 17, 1903.

Reported by Mr. SMITH of Presque Isle, from Committee on the
Judiciary, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*