

# MAINE STATE LEGISLATURE

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# SEVENTY-EIGHTH LEGISLATURE

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## HOUSE

## NO. 525

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*House of Representatives, March 8, 1917.*

*Referred to Committee on Legal Affairs and five hundred copies ordered printed. Sent up for concurrence.*

*W. R. ROIX, Clerk.*

*Presented by Mr. Sawyer of Madison.*

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND SEVENTEEN

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AN ACT to amend Section forty-three of Chapter sixty-eight  
of the Revised Statutes relating to proof of notice by both  
executors and administrators.

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*Be it enacted by the People of the State of Maine, as follows:*

Section forty-three of Chapter sixty-eight is hereby amend-  
2 ed by striking out the words "one year" at the beginning of  
3 the fourth line and inserting in place thereof the words 'six  
4 months'; also by striking out the word "four" in the ninth  
5 and twelfth lines and inserting in place thereof the word  
6 'two' so that said section as amended shall read as follows:

‘Sect. 43. PROOF OF NOTICE. An affidavit of the executor or administrator or of the person employed by him to give such notice shall be filed with a copy of the notice in the registry of probate within six months after his appointment, and the register shall note thereon the time of filing, enter the same on his docket, and record said affidavit, and such record is evidence of the time, place and manner in which the notice was given. In case an appeal is taken from the appointment of an executor or administrator, then said affidavit shall be filed, noted, entered and recorded as above provided within two months after final decree. In case of a vacancy in the office of executor or administrator before affidavit has been filed as aforesaid, then said affidavit shall be filed as above provided within two months after the appointment of the administrator de bonis non or the administrator with the will annexed. Whenever an executor or administrator fails to give said notice or to file such affidavit as above provided he may be removed from his trust by the judge of probate, in his discretion, upon petition of any interested party.