

# MAINE STATE LEGISLATURE

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# PUBLIC ACTS

OF THE

# STATE OF MAINE,

PASSED BY THE

# FIFTEENTH LEGISLATURE,

AT ITS SESSION, HELD IN JANUARY, 1835.

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Published agreeably to the Resolve of June 28, 1820.

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AUGUSTA:

WILLIAM J. CONDON.....PRINTER TO THE STATE.

1835.

## Chapter 153.

AN ACT additional to an Act providing for the appointment of Public Administrators and enlarging the powers of Judges of Probate.

**SECT. 1.** *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That whenever letters of administration shall have been granted to any public administrator agreeably to the provisions of the Act to which this is additional, and before the estate shall have been fully settled, one or more of the lawful heirs of the intestate shall make application in writing to the Court granting said letters of administration, and claim the right to administer on said estate or request that some other suitable person be appointed to that trust, it shall be the duty of said Court to grant letters of administration to them or some one of them and to take bond as the law requires; and the public administrator appointed as aforesaid, being thereunto required shall surrender and deliver his said letters of administration into the said Court, and render an account upon oath of his doings thereon and upon a just settlement of said account, pay over to his said successor all sums of money remaining in his hands, and also all the goods, chattels, rights and credits of said deceased not administered upon—And a condition necessary to carry into effect this provision shall be inserted in all public administrator's bonds.

Public administrators to surrender their letters of administration and render an account, and Courts of Probate to grant letters of administration to one or more of the lawful heirs on their request in writing.

Judges of Probate may grant license to sell real estate to pay debts.

**SECT. 2.** *Be it further enacted,* That Judges of Probate in their respective Counties shall have power to grant license to public administrators to sell the real estate of intestates committed to them for administration for the payment of the just debts of said intestates and incidental charges, to the same extent which they are now by law authorized to grant to other administrators for that purpose, and subject to the same provisions, restrictions and limitations.

SECT. 3. *Be it further enacted,* That Judges of Probate for their respective Counties shall have power to grant license, in like manner, to any public administrator to sell the real estate of his intestate, after the expiration of three years from the granting of administration, although not necessary for the payment of the debts of his intestate, provided it shall be made to appear by the oath or affirmation of such administrator that it will be for the interest of all concerned, that said real estate should be sold, and that according to the best of his knowledge and belief the said intestate has no heir or heirs living within any of the United States; said Judges observing the provisions of law respecting the granting of licenses for the sale of real estate. And any public administrator licensed to sell real estate according to the provisions of this Act shall give notice of such sale as required by law, whether authorized to sell at public auction or private sale and take the same oath or affirmation prescribed for executors and administrators before fixing on the time and place of sale, and shall give bond in like manner.—And the proceeds of said sale, after deducting all necessary and reasonable charges to be allowed by the Judge of Probate, shall be deposited with the Treasurer of State, as required by the Act to which this is additional.

Judges of Probate may license public administrators to sell real estate in certain other cases.

Administrator to give notice and take the same oath, &c. as in other cases, and deposit proceeds with Treasurer of State.

SECT. 4. *Be it further enacted,* That it shall be the duty of the said Judges of Probate, from time to time to require public administrators in their respective Counties to render an account of their doings at least once a year until they shall have closed up their administrations. And whenever it shall appear upon any such settlement that there is a sum of money in the hands of any public administrator which by law he is obliged to deposite with the Treasurer of State, the Judge before whom such account is settled, shall communicate that fact together with the amount to the State Treasurer.

Public administrators to render annual accounts.

Judge of Probate to prosecute the bonds of such as neglect to make deposits as required by law.

Claims of heirs barred after twenty years.

And if any such administrator shall neglect to make said deposite as required by law, for more than three months, it shall be the duty of said Treasurer to cause his Probate bond to be prosecuted for the recovery of the same. And if the heirs of any such intestate shall not demand the sums so deposited for their benefit, within the term of twenty years from the time when such estate shall be settled their claims therefor shall be forever barred.

[Approved by the Governor, February 24, 1835.]

### Chapter 154.

AN ACT to prevent the iatroduction of paupers from foreign ports or places.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That whenever after the first day of April next, any ship, vessel or boat having on board one or more passengers from foreign ports or places and who have no settlement in this State, shall arrive at any port or place within this State, the master or other person in charge of such ship, vessel or boat, shall within forty eight hours after such arrival, and before such passenger or passengers come on shore, leave a list of the name or names of such passenger or passengers with the Mayor, Selectmen or Overseers of the poor of the town or city where such ship, vessel or boat shall arrive. And the master or other person in charge of such ship, vessel or boat shall not land or permit such passenger or passengers to land or leave such ship, vessel or boat, without the permission of such Mayor, or a majority of such Selectmen or Overseers of the poor, unless he shall first give bonds with sureties satisfactory to such Mayor, Selectmen or Overseers of the poor in

Master of vessel to leave list of passengers with Mayor, Selectmen or Overseers.

Not to permit passengers to land without permission, unless he gives bonds, &c.