

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES,

PASSED BY THE

TWENTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE,

JANUARY SESSION, 1841.

Published by the Secretary of State, agreeably to Resolves
of June 28, 1820, and February 26, 1840.

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1841.

PUBLIC AND SPECIAL LAWS
OF THE
STATE OF MAINE.
1841.

[supplied from page 289 of volume]

Chapter 149.

AN ACT in addition to an act, to regulate the jurisdiction and proceedings of the courts of probate.

SECTION 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled,* That, whenever a person being an executor, administrator or guardian, whose trust shall not have been fully executed at the time of appointment, has been, or shall be appointed and qualified as judge of the court of probate, in and for the county wherein his letters of executorship, administration, or guardianship were granted, it shall be lawful for said executor, administrator or guardian, to continue and fulfil his said trust; and all the proceedings and acts, to be had and done subsequent to his appointment as judge, by said executor, administrator or guardian, in and by a court of probate, touching his said trust, shall be had and done by a court of probate in the most ancient next adjoining county; and such courts of probate in such adjoining counties are vested with jurisdiction thereof: but the record of said proceedings and acts shall be made in the registry of probate in the county, wherein the letters aforesaid are recorded.

When an executor, &c. is appointed Judge of Probate for the same county, jurisdiction transferred to the most ancient adjoining county.

Records, where kept.

Power of Judge to appoint special courts, or to adjourn a stated court. Register may adjourn in the absence of the Judge.

SECT. 2. *Be it further enacted,* That the judges of probate, in the respective counties, may appoint special courts, whenever cases occur which, in their judgment, render it necessary, in addition to the fixed days; which special courts are to be made known by public notification; and may adjourn their regular courts to any time, not beyond the next regular court day: and, in case of the absence of the judge, by reason of sickness or otherwise, or vacancy in the office of judge, the register of probate may adjourn the court by posting notification thereof at the probate office, till the judge can attend.

Judge may confirm and sign decrees of his predecessor, not authenticated in form, on account of death, or re-

SECT. 3. *Be it further enacted,* That, whenever any judge of any court of probate, within this State, may have been, or shall hereafter be removed from office by death or otherwise, and thereby have been

prevented from signing any decree or decrees, by him made as judge of probate, or from certifying any other official act, by him performed, it shall be the duty of the register of probate in such county, to make record thereof in such manner, as if the same had been duly signed and certified by said judge in his life time, or while in office. And it shall be the duty of the judge of probate, who shall be appointed to fill the vacancy occasioned as aforesaid, upon accepting the trust, to examine said decrees and certificates, as soon as may be, and if the same, and the proceedings connected therewith, shall be found correct, and otherwise conformable to law, it shall be his duty to confirm and approve the same; and when so confirmed, shall be valid to all intents and purposes, and to the same extent, as they would have been, if the same had been duly signed by his predecessor, while in office.

SECT. 4. *Be it further enacted*, That this act shall take effect and be in force, from and after its approval by the Governor.

[Approved April 6, 1841.]

Chapter 150.

AN ACT to change the name of the town of Mechisses.

Be it enacted by the Senate and House of Representatives in Legislature assembled, That from and after the passage of this Act, the town of Mechisses, in the county of Washington, shall be known by the name of East Machias, any law to the contrary notwithstanding.

[Approved April 6, 1841.]

Chapter 151.

AN ACT accepting the surrender of the charter of the Lafayette Bank, Bangor.

SECTION 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled*, That