

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-FOURTH LEGISLATURE

OF THE

**S T A T E O F M A I N E ,**

**A. D. 1844.**

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840, and March 16, 1842.

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*AUGUSTA:*

W<sup>M</sup> R. SMITH & Co., PRINTERS TO THE STATE.

1844.

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PUBLIC LAWS

OF THE

STATE OF MAINE,

1844.

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## Chapter 114.

## CHAP. 114.

AN ACT in relation to insurances on lives.

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

SECT. 1. Whenever upon the death of any person who shall leave a widow and issue, or either, upon whose decease any sum or sums of money shall become due, on account of any insurance on his life, obtained and effected by said deceased person, such sum of money, which is over and above the amount of premium paid by said deceased, for such insurance, together with interest on said premium from the time paid, to the decease of said insured, provided said premium shall have been paid within three years previous to said decease, shall not make any part of the estate of the deceased to be applied to the payment of the debts of the deceased, on settlement of his estate, or any of the purposes named in the first section of chapter one hundred and nine of the revised statutes, but the same shall be distributed, if the deceased died intestate, without diminution as provided in the sections following.

Application of the proceeds of insurance on lives.

SECT. 2. If the intestate leave a widow and issue, the widow shall be entitled to one third part of said sum, and the issue the remainder ; and if more than one child, then such issue to share equally said remainder.

How divided among the heirs.

SECT. 3. If the intestate leave no issue, then the widow shall be entitled to the whole sum as aforesaid. And if no widow, then the whole of said sum shall belong to the issue equally, provided, that nothing herein contained shall prevent such person from providing, by will, for the distribution of such sum, among his widow and issue, or either of them, in any other proportion, but such testamentary disposition shall be carried into full effect notwithstanding the insolvency of the estate.

Same subject.

May be appropriated by will.

[Approved March 21, 1844.]

## Chapter 115.

AN ACT relating to bankrupt defendants.

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

When an action shall have been brought against any person, in any court of this state, if he, upon his own application, shall have been declared bankrupt by a decree of the district court of the

Relative to costs, where defendant is declared bankrupt during the pendency of an action.

## CHAP. 116.

United States, during the pendency of said action, neither he nor his assignee shall be entitled to recover costs in said action.

[Approved March 21, 1844.]

## Chapter 116.

AN ACT giving additional powers to judges of probate in certain cases.

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

Powers of judges of probate, relative to exchanging real estate.

SECT. 1. Judges of probate, in their respective counties, shall have power, on the application of the guardians or friends of minors and other incapacitated persons, to authorize the guardians or some other suitable persons, to exchange any real estate or interest in real estate, belonging to such minors or other incapacitated persons, for other real estate, or interest in real estate, when it shall appear that such exchange would be for the benefit of such minors or other incapacitated persons.

Duties of guardians or persons authorized to effect such exchange.

SECT. 2. The guardians or persons so authorized, shall give bond to the judge of probate granting the authority, and make oath that in the execution of the trust, they will act faithfully and impartially, according to their best skill and judgment; and similar notice shall be given before such authority is granted and such other steps shall be taken, as are required in the case of sales of real estate, as provided in the one hundred and twelfth chapter of the revised statutes.

[Approved March 21, 1844.]

## Chapter 117.

AN ACT to secure to married women their rights in property.

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

Married women may become possessed of property.

SECT. 1. Any married woman may become seized or possessed of any property, real or personal, by direct bequest, demise, gift, purchase or distribution, in her own name, and as of her own property; provided, it shall be made to appear by such married woman, in any issue touching the validity of her title, that the same does not in any way come from the husband after coverture.

Shall hold their property after marriage.

SECT. 2. Hereafter, when any woman possessed of property, real or personal, shall marry, such property shall continue to her