

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1849.

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

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1849.

PUBLIC LAWS

OF THE

STATE OF MAINE,

1849.

Chapter 93.

CHAP. 93.

An act to increase the salary of the judge of probate for the county of Hancock.

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

SECT. 1. The judge of probate in the county of Hancock shall be entitled to receive a salary in quarterly payments on the first day of January, April, July and October, of each year, of three hundred dollars per annum, instead of the sum now allowed. Salary \$300.

SECT. 2. This act shall take effect and be in force from and after the first day of July, in the year of our Lord one thousand eight hundred and forty-nine.

[Approved June 18, 1849.]

Chapter 94.

An additional act concerning executors.

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

SECT. 1. Wherever there shall be more than two executors of any last will and testament, who have accepted said trust, the majority of said executors shall have power to do all acts necessary to be done in settling and adjusting all matters arising under said will, and to dispose of any and all property, real and personal, and to execute conveyances thereof, notwithstanding the minority of said executors shall not join in said acts or conveyances ; and all conveyances made as aforesaid shall be valid and binding in law to pass the property described therein, unless otherwise defective, insufficient, or illegal : *provided however*, that it shall not have been otherwise directed and prescribed in and by said last will and testament ; and *provided further*, that all the requisitions of law in such cases shall have been duly complied with, and that nothing herein contained shall effect the liability of said executors, under their bond. And a suit may be maintained against the executors so acting, on their said bond, in the name of the judge of probate, for the benefit of any person aggrieved by their doings, without joining the other parties to such bond, as defendants in said suit.

Power of majority of executors of any last will and testament.

—to dispose of any and all property, and execute conveyances therefor.

Such conveyances valid.

Proviso.

Further proviso.

Liability of executors.

CHAP. 95.

Judge of Probate empowered to remove executors for neglect, &c.

—to appoint an executor if none remain after such removal.

Power of remaining executor.

Right of appeal of executor so removed.

SECT. 2. The judge of probate in any county, shall have power to remove any executor, whether joint or sole, within his jurisdiction, who shall refuse, or neglect to perform his duties as such executor, or who shall mismanage the estate in his hands, whenever, in the opinion of said judge, the interests of said estate require such removal; and to appoint an executor with the will annexed, if there shall be no executor remaining, after such removal; but any executor or executrix remaining after such removal shall have power to manage the estate in the same manner as if the executor so removed had never been appointed: reserving, however, to any executor so removed, the right of appeal to the supreme court of probate, as in other cases provided.

[Approved June 18, 1849.]

Chapter 95.

An act additional to chapter one hundred and fifty-five of the revised statutes.

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

Malicious burning of certain buildings.

Every person, who shall willfully and maliciously burn, either in the night time or in the day time, any store, barn, stable or other building of another, other than is mentioned in the third section of the act to which this is additional, shall be punished upon conviction thereof before the supreme judicial court, by imprisonment in the state prison for such term, not exceeding ten years, as the justices of said court before whom the conviction may be had shall sentence and order, according to the nature and aggravation of the offense.

[Approved June 18, 1849.]

Chapter 96.

An act to amend section twenty-nine of the one hundred and ninth chapter of the revised statutes.

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

R. S. ch. 109, sec. 29. of insolvent estates.

The twenty-ninth section of the one hundred and ninth chapter of the revised statutes shall be amended by striking