

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTIETH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1850.

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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:
WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1850.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1850.

An act relating to the estates of persons under guardianship.

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

Principles of law applicable to insolvent estate of deceased person, extended to insolvent estates of insane persons under guardianship.

SECT. 1. When any person shall have been placed under guardianship, by reason of his insanity, and the guardian shall have duly returned the requisite inventories, if it shall appear from the representations of the guardian that the estate of the ward will probably be insufficient for the payment of his debts, guardianship charges and necessary current expenses of the ward and of his family, if any, and if, in view of all the circumstances of the case, the judge of probate shall adjudge it expedient and proper that the representation of insolvency shall be received and allowed, then to every such case so far as relates to all debts and claims between the said ward and all other persons, the principles of law applicable to the estates of deceased persons, represented insolvent, are hereby extended and applied.

Proceedings same as in case of deceased persons.

SECT. 2. As to all the rights, doings and duties of the guardian, of the commissioners of insolvency, of the court of probate and other tribunals, and of all parties and persons in relation to the debts and claims above mentioned, the like proceedings, mutatis mutandis, shall be had and with the same effect as in relation to the estates of deceased persons represented insolvent, except those provisions, relative to the estates of deceased persons, which in their nature cannot be applied to the cases of estates of persons under guardianship, and except that the distribution to creditors, of the net avails of the estate shall be so modified as to assign such allowance for the support and maintenance of the ward and of his family, as the court of probate in view of the amount [of] debts and of assets and of the condition of the family, shall adjudge to [be] suitable. And such allowance is to have effect in priority to the debts due from the estate.

Exceptions.

SECT. 3. All enactments inconsistent with the above sections are hereby repealed.

[Approved August 24, 1850.]