

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1852.

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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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1852.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1852.

CHAP. 244.

Rights and liabilities of district.

Towns, not authorized to divide school districts without consent.

Inhabitants, authorized to raise additional school money.

Not to exceed three fifths of amount apportioned to district.

Acts inconsistent repealed.

said districts are situated, with a certified copy of such votes, and the town clerk shall enter said votes upon the records of such town, and from and after such record, such districts shall constitute one district, to be known by such name or title as the inhabitants thereof shall adopt, and shall have all the rights and powers and be subject to all the liabilities of other school districts.

SECT. 3. After two or more school districts have united as provided for in the foregoing sections of this act, the town in which such districts are situated, shall not have power to alter or divide the same, without the consent of a majority of the voters of such district.

SECT. 4. The inhabitants of any district organized under this act, are hereby authorized, at their annual district meeting, to raise such sum of money, in addition to their proportion of the school money raised by the town, as may be necessary for the support of the public free schools within said district ; but the additional amount so raised by such district in any year, shall not exceed three-fifths of the amount apportioned to said district from the school money raised by the town for the same year.

SECT. 5. All acts and parts of acts inconsistent with the foregoing are hereby repealed.

SECT. 6. This act shall take effect and be in force from and after its approval by the governor.

[Approved April 9, 1852.]

Chapter 244.

An act relating to executors.

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

Executors to settle estates, notwithstanding appeal from probate court.

SECT. 1. In all cases where the last will and testament of any person deceased, has been or shall be presented to any judge of probate in this state for approval and allowance, and the same shall have been proved, approved and allowed by such judge of probate, and letters of administration shall have been duly issued to the executor therein named, and he has given bonds according to law, it shall be lawful for such executor (unless the judge for good cause shall otherwise order) to proceed in the settlement of such estate notwithstanding an appeal

may have been duly claimed, and allowed from any decree of such judge settling up and allowing such will. CHAP. 245.

SECT. 2. In such case it shall be the duty of such executor, (after the payment of the just debts and charges of administration) to retain in his hands all the remaining avails of any such estate until it shall be determined to whom of right the same shall belong, and upon the final settlement of such estate, to pay over the balance remaining in his hands, either to the legatees or heirs at law, as the judge or court of probate may decree, and such payment shall relieve such executor from all liability on his bond. May retain the avails until final settlement.

SECT. 3. In all cases where by the provisions of a will, matters are left to the judgment or discretion of executors therein named, or to be appointed by the probate court, it shall be the duty of such executors to submit their doings on petition of any person interested therein, to the probate court, and its approval of the same shall be necessary to their validity. Payment to release the bond.

SECT. 4. This act shall take effect from and after its approval by the governor. Discretionary matters to be approved by probate court.

[Approved April 9, 1852.]

Chapter 245.

An act encouraging persons to furnish watering places by the side of highways.

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

SECT. 1. Any person in any city, town or plantation in this state, who shall construct and maintain and keep in good repair a watering trough beside the highway, and well supplied with water, the surface of which shall be at least two feet and a half above the ground, and made easily accessible for horses and carriages, shall be allowed by the city, town or plantation three dollars out of his highway tax for each year he shall furnish the same : *provided*, if there shall be more than one person in any highway district or ward claim to furnish such watering trough, the aldermen of the city, or the selectmen of the town or plantation, shall decide where said watering place shall be located. §3 tax abated to any one maintaining a public watering trough.

SECT. 2. This act shall take effect and be in force from and after its approval by the governor. Size and convenience.

[Approved April 9, 1852.] Proviso.

Selectmen, &c., to select location.