

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

PASSED BY THE

THIRTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1852.

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

Augusta:
WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1852.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1852.

CHAP. 277. of execution shall have the same effect in evidence on the trial of such action as a copy of the record of the original judgment or the record thereof itself could have, duly and legally authenticated.

SECT. 2. This act shall take effect from and after its approval by the governor.

[*Approved April 23, 1852.*]

Chapter 277.

An act in relation to appeals for land damages in cities.

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

Land damages
in cities, ap-
peals from, &c.

SECT. 1. When any person entitled to claim an appeal from the decision of the city council respecting land damages sustained by the laying out of any street, shall die, either before or after entering such appeal in court, such appeal may be prosecuted to final judgment by the heirs or legal representatives of such appellant, and such heirs or legal representatives may become parties to such appeal in any stage of the proceedings.

Decease of
parties.

SECT. 2. This act shall apply to any cases now pending, where any of the parties thereto have died during the pendency of the appeal.

[*Approved April 23, 1852.*]

Chapter 278.

An act to amend chapter one hundred and five of the revised statutes.

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

Amendment,

SECT. 1. The eighteenth section of chapter one hundred and five of the revised statutes is hereby amended by striking out the words "the most ancient," and inserting the word "any" in both places where they occur before the words "adjoining county," so that the said eighteenth section will read as follows :

Estates how
settled when
the judge of

SECT. 18. Whenever any judge of probate, shall be interested either in his own right, or in trust, or in any other man-

ner, or be within the degree of kindred, by means of which by law, he might by any possibility be heir to any part of the estate of any person deceased, such estate shall be settled in the probate court of any adjoining county; *provided* that the amount of the interest of such judge shall not be less than one hundred dollars in such estate. If his interest commence at any time after he shall regularly have assumed jurisdiction of such estate, or if he be interested at the time of his appointment to office, further proceedings therein shall be transferred to the probate court held in any adjoining county. And in all cases where by reason of the interest of the judge, or for any other cause an estate shall be settled in an adjoining county, the register of probate of such adjoining county, shall transmit to the probate office of the county, where such estate should otherwise have been settled, copies of all records relating to said estate to be recorded on the records of the county where such estate belongs.

CHAP. 278.

probate is a party or interested.

Proviso.

Proceedings, where recorded.

SECT. 2. An act in addition to an act to regulate the jurisdiction and proceedings of the courts of probate, approved April sixth, in the year eighteen hundred forty-one, is hereby amended by striking out the words "the most ancient next," and inserting the word "any" in the first section, so that said first section will read, as follows:

Act of April 6, 1851, amended.

SECT. 1. 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 fulfill his said trust; and all 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 any adjoining county, and such courts of probate in such adjoining county, are vested with jurisdiction thereof; but the record of such proceedings and acts shall be made in the registry of probate in the county wherein the letters aforesaid were recorded.

Judge of probate being an executor, administrator, or guardian, proceedings how conducted.

Record, where made.

[Approved April 23, 1852.]