

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

EXTRA SESSION OF THE THIRTY-SECOND LEGISLATURE, 1853,

AND THE

THIRTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE,

1854.

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

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1854.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1854.

Chapter 98.

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

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

SECT. 1. The twelfth section of chapter one hundred and twenty of the revised statutes shall be amended by inserting between the word "voluntarily" and the word "the," in the second line thereof, the following words, to wit: "at the second term after the death of the party shall be suggested on the record, or the second term after his appointment," so that said section, as amended, shall read as follows :

SECT. 12. If such executor or administrator does not appear voluntarily, at the second term after the death of the party shall be suggested on the record, or the second term after his appointment, the court, on motion of the surviving party, shall issue a citation to such executor or administrator to appear and take on himself the prosecution or defense of the suit.

Executor or administrator, citation to appear.

SECT. 2. In all cases where any person has died, or shall hereafter die, pending any action against him, the plaintiff or plaintiffs, their executors and administrators, shall not be required to present the demand, sued in any such action, to the commissioners of insolvency for allowance in case his estate has been or shall be rendered insolvent; but the same may be prosecuted to final judgment and execution, and such judgment shall be proceeded with, disposed of, and satisfied in the same manner as is provided in section twenty-four of chapter one hundred and nine of the revised statutes.

Actions commenced against and prior to the decease of persons whose estate may be rendered insolvent, how disposed of.

SECT. 3. Any person, whose claim shall have been disallowed by the commissioners of insolvency, shall be thereby barred from having or maintaining any action brought upon the same; and, from having the same filed, considered or allowed in set off in any suit brought against him, unless the appeal shall have been made as provided in section eighteen of chapter one hundred and nine of the revised statutes. But nothing herein shall bar any person from having or maintaining any action provided for in chapter one hundred and thirteen of the revised statutes.

Claims barred in certain cases.

SECT. 4. All acts and parts of acts, inconsistent with this act, are hereby repealed.

Acts repealed.

SECT. 5. This act shall take effect and be in force from and after its approval by the governor.