

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FORTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE.

1869.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1869.

CHAP. 3.

when deposited, and may have indorsed thereon the name of any person to whom it is to be delivered after the death of the testator.

Not to be opened nor read except by testator or testator's order.

SECT. 3. A will so deposited shall not be opened nor read until delivered to the testator, or to some person authorized to receive it by an order in writing signed by the testator and attested by one witness; and the register may require, if he thinks proper, the person presenting such order to make oath that the same is genuine.

Disposal of will after death of the testator.

SECT. 4. After the death of the testator the will shall be delivered to the person, if any, entitled by the indorsement on the wrapper to receive it; or, if not demanded before the next probate court following the death of the testator, it may then be publicly opened and retained in the probate office until offered for probate; or, if the jurisdiction of the estate belongs in another court, it shall be delivered to the executors, or other persons entitled to the custody thereof, to be presented for probate in such other court.

Approved February 2, 1869.

Chapter 3.

An act additional relating to licenses for the conveyance of real estate under contracts made by deceased persons.

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

License may be granted to special administrators in the same manner as to administrators, to convey real estate under the contract of the deceased.

SECT. 1. The several statutes authorizing the judge of probate in certain cases to grant license to administrators and others to convey real estate of deceased persons, when the deceased in his life-time made a legal contract for such conveyance and was prevented by death from executing it, are amended, so that a like authority may be granted to a special administrator, in the same manner and on the same conditions as to administrators.

SECT. 2. This act shall take effect when approved.

Approved February 2, 1869.

Chapter 4.

An act to amend chapter seventy-one of the revised statutes.

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

R. S., chap. 71, sect. 13, relating to licenses to sell

The thirteenth section of chapter seventy-one of the revised statutes is amended by striking out, after the word "given,"

the words, "of the time and place," so that the latter clause of said section shall read as follows: 'and the court shall decide what public notice, if any, shall be given of such private sale, and if any is required, it shall be inserted in the license and given accordingly.'

CHAP. 5.
at private sale,
amended.

Approved February 3, 1869.

Chapter 5.

An act additional to chapter seventy-five of the revised statutes.

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

The seventh specification in the first section of chapter seventy-five of the revised statutes, is amended so as to read as follows: 'Seventh, If an intestate leaves no kindred, the real and personal estate of said intestate descends to the widow or husband surviving; if no kindred, widow or husband, it escheats to the state.'

R. S., chap. 75,
sect. 1, relating to
rules of descent,
amended.

Approved February 3, 1869.

Chapter 6.

An act to amend chapter sixty-seven of the revised statutes.

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

SECT. 1. The second section of chapter sixty-seven of the revised statutes is amended so as to read as follows:

'Sect. 2. If the minor is under fourteen years of age, the judge may nominate and appoint his guardian; if he is over that age, he may nominate his own guardian in presence of the judge or register of probate, or in writing certified by a justice of the peace; and if approved by the judge, such nominee shall be appointed, although the minor has a guardian; but if not thus approved, or if the minor resides out of the state, or, being cited by the judge, neglects to nominate a suitable person, who will accept the trust, the judge may nominate and appoint as if he were under fourteen.'

R. S., chap. 67,
sect. 2, relating
to appointment
of guardian by
minors, amended.

SECT. 2. Guardians may make oath to inventories by them returned, before the judge or register of probate, or any justice of the peace.

Before whom the
oath to invento-
ries may be made.

Approved February 3, 1869.