

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE.

1893.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
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PUBLIC LAWS  
OF THE  
STATE OF MAINE.

1893.

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**Chapter 163.**

An Act amendatory of sections eight and twenty-two of chapter sixty-three of the Revised Statutes, relating to Registers of Probate Courts.

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

SECT. 1. Section eight of chapter sixty-three of the revised statutes is hereby amended, by adding, after the word "judge" in the first and tenth lines, the words 'or register,' and by striking out the words "he has regularly assumed jurisdiction of such estate" following the word "after" in the seventh line of said section, substituting therefor the words "jurisdiction of such estate has been regularly assumed," by striking out the word "or" after the word 'administrator' and by adding the words 'or trustee' after the word "guardian" in the ninth line of said section, so that said section, so amended, shall read as follows :

Sec. 8, ch. 63,  
R. S., amended.

'SECT. 8. When a judge or register of probate is interested either in his own right, or trust, or in any other manner, or is within the degree of kindred, by which in law, he may by possibility, be heir to any part of the estate of a person deceased, to an amount in either case not less than one hundred dollars, such estate shall be settled in the probate court of any adjoining county, which shall have as full jurisdiction thereof, as if the deceased had died therein. If his interest arises after jurisdiction of such estate has been regularly assumed, or existed at the time of his appointment to office; and in all cases where an executor, administrator, guardian or trustee, whose trust is not fully executed, becomes judge or register of probate for the county in which his letters were granted, further proceedings therein, shall be transferred to the probate court in any adjoining county, and there completed as if such court had had original jurisdiction thereof; and in all such cases the register in such adjoining county shall transmit copies of all records relating to such estate, to the probate office of the county where such estate belongs, to be there recorded.'

When judge or register is interested, jurisdiction shall be transferred to adjoining county.

SECT. 2. Section twenty-two of chapter sixty-three of the revised statutes is hereby amended by striking out the words "executor" and "trustee" in the third line of said section and by adding the words 'except as provided in section eight of said chapter' after the word "court" in the fifth line of said

Sec. 22,  
amended.

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section, and by adding the words 'in such capacity' after the word "therefrom" in the sixth line of said section and by striking out all the remainder of said section after the word "therefrom" in the sixth line and by inserting in the place thereof the words 'in such capacity; nor draw, commence or conduct either personally or by his agent or clerk any matter, petition, process or proceeding in the court of which he is register, in violation of this section; and for each and every violation of this section such register shall be deemed guilty of a misdemeanor, upon conviction of which he shall be imprisoned not more than one year or fined not more than one thousand dollars, or both, in the discretion of the court,' so that said section, so amended, shall read as follows:

Register not be  
counsel in  
probate cases.

‘SECT. 22. No register shall be attorney or counsellor in or out of court in any suit or matter pending in the court of which he is register, nor in any appeal therefrom; nor be administrator, guardian, commissioner of insolvency, appraiser or divider of any estate, in any case within the jurisdiction of said court, except as provided in section eight of this chapter, nor be in any manner interested in the fees and emoluments arising therefrom, in such capacity; nor draw, commence or conduct, either personally or by his agent or clerk any matter, petition, process or proceeding in the court of which he is register, in violation of this section, and for each and every violation of this section, such register shall be deemed guilty of a misdemeanor, upon conviction of which he shall be imprisoned not more than one year or fined not more than one thousand dollars, or both, in the discretion of the court.’

—penalty.

SECT. 3. This act shall take effect when approved.

Approved February 22, 1893.