

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE

1895.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 18, 1840, and March 16, 1842.

AUGUSTA:
BURLEIGH & FLYNT, PRINTERS TO THE STATE.
1895.

PUBLIC LAWS
OF THE
STATE OF MAINE.

1895.

Chapter 133.

An Act to amend section twelve of chapter eighty-seven of the Revised Statutes, relative to limitation of actions against Executors and Administrators.

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

Sec. 12, ch. 87,
R. S.,
amended.

SECT. 1. Section twelve of chapter eighty-seven of the revised statutes is hereby amended by striking out in line fifteen the words "or within six months following," so that said section as amended, shall read as follows :

Action against
executor or
administrator,
is not
maintainable,
unless
demand is
made thirty
days prior
thereto, and
suit brought
within two
years.

SECT. 12. Actions against executors or administrators, on claims against the estate, except as provided in sections thirteen and fifteen shall, if brought after the time limited in the preceding section, be continued at the cost of the plaintiff until the next term of court, and for such further time and on such other terms as the court may order, unless, at least thirty days before commencement of suit, and within two years after notice given by him of his appointment, such claim was presented in writing and payment demanded, or was filed in the probate office, supported by affidavit of the claimant, or of some other person cognizant thereof, as provided in section sixty-two of chapter sixty-four and such notice given as the court orders thereon ; a tender of payment or offer thereof filed in the case during the time of such continuance, shall bar the same, and the defendant shall recover his costs ; and no action shall be maintained on such claim, unless commenced during said two years, except as provided in the following sections. Executors or administrators residing out of the state at the time of giving notice of their appointment, shall appoint an agent or attorney in the state, and insert therein his name and address. Executors or administrators removing from the state, after giving notice of their appointment, shall appoint an agent or attorney in the state, and give public notice thereof ; demand or service made on such agents or attorneys has the same effect as if made on such executor or administrator. When an executor or administrator, residing out of the state, has no agent or attorney in the state, demand or service may be made on one of his sureties, with the same effect as if made on him.'

Executors and
administrators
residing
out of the
state, are
required to
appoint an
agent or attorney
in the
state, on
whom demand
or service may
be made.

SECT. 2. This act shall not apply to any pending action nor to any cause of action against estates in which administration has already been granted.

CHAP. 134

Act shall not apply to pending actions.

Approved March 21, 1895.

Chapter 134.

An Act to amend chapter two hundred four of the Public Laws of eighteen hundred and fifty-six, in relation to the jurisdiction of the Municipal Court of the city of Portland.

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

SECT. 1. Section two of chapter two hundred four of the public laws of eighteen hundred and fifty-six, as amended by chapter twenty-eight of the public laws of eighteen hundred and eighty-seven, is hereby amended by striking out said section and inserting the following:

Sec. 2, ch. 204, Public Laws of 1866, as amended by ch. 28, Laws of 1887, amended.

SECT. 2. Said court shall have exclusive jurisdiction of all civil actions in which the debt or damages demanded do not exceed twenty dollars, and both parties, or the defendant, or a person summoned in good faith as trustee, reside in the city of Portland, and of all cases of forcible entry and detainer, where the property demanded is in said city; and of all criminal offenses and misdemeanors committed in said city as are cognizable by municipal or police courts or trial justices, or are within the additional jurisdiction and authority conferred upon this court. In actions against two or more defendants or trustees, residing in different counties, where one defendant or trustee, resides in this county, concurrent jurisdiction with other trial justices or municipal or police courts, in the county where either of the defendants reside, as is provided in section sixteen, chapter eighty-one, and section five of chapter eighty-six of the revised statutes of this state, and concurrent with other trial justices or municipal or police courts in the county of Cumberland, over all matters and things, civil and criminal within their jurisdiction, where exclusive jurisdiction is not otherwise conferred by law; and concurrent jurisdiction with the superior court in the county of Cumberland, in all personal actions including actions of replevin when a defendant or person summoned in good faith as trustee, resides in the county of Cumberland, where the

Jurisdiction exclusive, in certain cases.

Concurrent with trial justices or municipal and police courts.

—with superior court.