

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE

1899.

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

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1899.

Chapter 85.

An Act to amend Section three of Chapter seventy-two of the Revised Statutes, relating to the discharge of sureties on Probate Bonds.

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

Section three of chapter seventy-two of the revised statutes is amended by adding after the word "surety" in the first line the words 'or principal' and by striking out the word "him" in the third line and inserting in place thereof the words 'the surety or sureties,' so that said section, as amended, shall read as follows:

Section 3, chapter 72, R. S., amended.

'Section 3. On application of any surety or principal in such bond, the judge, on due notice to all parties interested may, in his discretion, discharge the surety or sureties from all liability for any subsequent, but not for any prior breaches thereof, and may require a new bond of the principal, with sureties approved by him.'

Surety on bond may be discharged by judge of probate.

Approved March 16, 1899.

Chapter 86.

An Act to amend Section eight of Chapter sixty-four, and Section four of Chapter seventy-one of the Revised Statutes, relating to sales of Real Estate by license of court.

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

Section 1. Section eight of chapter sixty-four of the revised statutes is hereby amended by striking out the words "or sales of real estate may be made under the provisions of the will, without the executor" and substituting therefor the following words; 'and all acts required by law or otherwise under the provisions of the will may be done and performed by the executor without;' so that said section, as amended, shall read as follows:

Section 8, chapter 64, R. S., amended.

'Section 8. Letters testamentary may issue, and all acts required by law or otherwise under the provisions of the will may be done and performed by the executor without giving bond, or by his giving one in a specified sum, when the will so provides; but when it appears necessary or proper, the judge, on application of parties interested, may require him to give bonds as in other cases.'

Will may prescribe what bond, if any, executor shall give.

Section 2. Section four of chapter seventy-one of the revised statutes is amended by inserting after the word "exchanges" in the second line the words 'except executors exempted therefrom

Section 4, chapter 71, R. S., amended.

CHAP. 87 by the provisions of section eight, chapter sixty-four of the revised statutes as amended,' so that said section, as amended, shall read as follows:

Bond. 'Section 4. Persons licensed as aforesaid, before proceeding to make such sales, leases or exchanges, except executors exempted therefrom by the provisions of section eight, chapter sixty-four of the revised statutes as amended, shall give bond to the judge for a sum, and with sureties to his satisfaction, with the following conditions:

Conditions. I. That they will observe all provisions of law for the sale, leasing or exchange of such real estate or interests therein, and use due diligence in executing the trust.

II. That they will truly apply and account for the proceeds of sale or lease according to law.'

Approved March 16, 1899.

Chapter 87.

An Act relating to the taxation of costs in Trial Justice Actions.

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

Section 31,
chapter 116,
R. S.,
amended.

Section thirty-one of chapter one hundred and sixteen of the revised statutes is hereby amended by adding after the word "than" in the fourth line of said section, the words 'one dollar and,' and by adding to the end of said section the words 'but nothing herein contained shall be so construed as to reduce the fees of municipal courts otherwise established by law,' so that said section, as amended, shall read as follows:

Penalty for
overcharg-
ing costs.

'Section 31. If any attorney at law or other person demands or takes for a writ of attachment with a summons, or for an original summons with the declaration, returnable before a trial justice, judge or recorder of a municipal or police court, more than one dollar and fifty-seven cents from the defendant; or, in the taxation of costs, such justice, judge or recorder, taxes or allows more than that sum for the same, he forfeits to the defendant not less than five, nor more than ten dollars, to be recovered in an action of debt, but nothing herein contained shall be so construed as to reduce the fees of municipal courts otherwise established by law.'

Approved March 16, 1899.