

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE

1903.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1903.

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entered and recorded as above provided within four months after final decree.

if appeal
is taken.

In case of a vacancy in the office of executor or administrator before affidavit has been filed as aforesaid then said affidavit shall be filed as above provided within four months after the appointment of the administrator de bonis non or the administrator with the will annexed. Whenever an executor or administrator fails to give said notice or to file such affidavit as above provided he may be removed from his trust by the judge of probate, in his discretion, upon petition of any interested party.'

—adminis-
trator de
bonis non, or
with will
annexed shall
file within
four months.

Section 3. Section fifty-one of chapter sixty-four of the revised statutes, is amended by striking out the following words in the third and fourth lines "in case of credits and rights to property not in possession" so that said section as amended shall read as follows:

Section 51 of
chapter 54, R.
S., amended.

'Section 51. Every executor or administrator shall account for the personal property and effects named in the inventory at the appraised value, unless sold under license as provided in the preceding section; but if loss accrues without his fault or negligence, he may be allowed the amount of such loss in his account of administration; and if any goods or effects not sold under license, allowed to the widow, nor distributed to the heirs or devisees, are shown to be of greater value than they are appraised at, he shall account for the difference.'

For what
executors
and adminis-
trators shall
account.

Section 4. This act shall take effect when approved.

Approved March 28, 1903.

Chapter 188.

An Act to amend Chapter eleven of the Public Laws of eighteen hundred and eighty-seven, as amended by Chapter forty-four of the Public Laws of eighteen hundred and ninety-nine, authorizing cities and towns to accept legacies, devises and bequests, and to raise money.

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

Section 1. Section one of chapter eleven of the public laws of eighteen hundred and eighty-seven, as amended by chapter forty-four of the public laws of eighteen hundred and ninety-nine is hereby amended by inserting after the word "affairs" in the ninth line thereof the words, 'provided, however, that in cities the acceptance of such devise, bequest or conditional gift may be by vote of the city council instead of by the inhabitants at a special election, if the municipal officers shall so direct.' By inserting

Section 1 of
chapter 11,
public laws of
1887, as
amended by
chapter 44,
public laws of
1899, further
amended.

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after the word "meeting" in the eleventh line thereof, the words 'of the inhabitants;' by inserting after the word "inhabitants" in the thirteenth line thereof, the words 'or the city council at a regular meeting or at a special meeting called for that purpose;' by inserting after the word "voters" in the fourteenth line thereof, the words, 'or of the members of the city council;' so that said section, as amended, shall read as follows:

Municipal officers authorized to call meetings to accept legacies.

'Section 1. Whenever the municipal officers of any city or town are notified in writing by the executors of any will, or by the trustees created by virtue of the terms thereof, that a devise or bequest has been made upon conditions by the testator of said will; or by an individual, that he intends to make a conditional gift, in behalf of said city or town; the municipal officers of said city or town, shall, within sixty days after said notice to them, call a legal meeting of the inhabitants of said city or town qualified to vote upon city or town affairs; provided, however, that in cities the acceptance of such devise, bequest or conditional gift may be by vote of the city council, instead of by the inhabitants at a special election, if the municipal officers shall so direct. Said municipal officers shall give public notice in their warrants, of the objects of said meeting of the inhabitants, and such other notice as said municipal officers shall deem proper. At such meeting, the said inhabitants, or the city council at a regular meeting, or at a special meeting called for that purpose, shall vote upon the acceptance of said devise or bequest or conditional gift, and if a majority of the legal voters, or of the members of the city council, present, then and there vote to accept said devise or bequest or conditional gift, in accordance with the terms contained in said will, and upon the conditions made by the testator or by said individual, said municipal officers of said city or town, shall forthwith notify said executors or trustees, or individual, in writing, of said acceptance by said city or town aforesaid, or the non acceptance thereof.

—notice of object of meeting shall be given.

Section 2 of chapter 11, public laws of 1887, as amended by chapter 44, public laws of 1899, further amended.

Section 2. Section two of chapter eleven of the public laws of eighteen hundred and eighty-seven, as amended by chapter forty-four of the public laws of eighteen hundred and ninety-nine is hereby amended by adding to said section the words, 'or of cemetery lots owned by individuals,' so that said section as amended, shall read as follows:

Cities and towns may raise money to carry into effect terms of will.

'Section 2. Whenever the executors or trustees of said individual, under any will have fully discharged their duties respecting the payment, delivery or otherwise of any devise or bequest, or conditional gift, to said city or town; and said city or town have accepted said devise or bequest or conditional gift in accordance with the conditions of said will or the terms of said condi-

tional gift as set forth in section one of this chapter, then said city or town shall perpetually comply, and strictly maintain and keep all the conditions and terms contained in said will or said conditional gift by virtue of which said devise or bequest or conditional gift was so made, and any city or town so accepting said devise or bequest, or conditional gift and receiving the same, or enjoying the benefits therefrom, is hereby authorized to raise money to carry into effect the requirements and terms of said will or said conditional gift by virtue of which said devise or bequest or conditional gift was so accepted and received. The provisions of this chapter shall apply only to devises and bequests and gifts, devised and bequeathed or given to cities and towns for educational, benevolent and charitable purposes and objects, or for the care, protection repair and improvement of cemeteries owned by said cities or towns, or of cemetery lots owned by individuals.'

Section 3. This act shall take effect when approved.

Approved March 28, 1903.

Chapter 189.

An Act to repeal so much of Chapter thirty of the Revised Statutes, as amended by Chapter forty-two, Section five, of the Public Laws of eighteen hundred ninety-nine, as amended by Chapter three hundred seventy-nine of the Private and Special Laws of nineteen hundred one, as prohibits fishing through the ice in Palmer Pond, so called, in Mayfield Plantation, in the County of Somerset.

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

Section 1. So much of chapter thirty of the revised statutes, as amended by chapter forty-two, section five, of the public laws of eighteen hundred ninety-nine, and as amended by chapter three hundred seventy-nine of the private and special laws of nineteen hundred one, as prohibits fishing through the ice, in accordance with the general law, in Palmer pond, so called, in Mayfield plantation, in the county of Somerset, is hereby repealed.

Section 2. This act shall take effect when approved.

Approved March 28, 1903.

Ice fishing in
Palmer pond,
prohibition
repealed.