

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

OF THE

SEVENTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE

1903.

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

AUGUSTA
KENNEBEC JOURNAL PRINT
1903

PUBLIC LAWS

OF THE

STATE OF MAINE.

1903.

Chapter 198.

An Act to amend Chapter eighty-seven of the Revised Statutes as amended by Chapter two hundred and eighteen of the Public Laws of eighteen hundred and ninety-three, Chapter one hundred and thirty-three of the Public Laws of eighteen hundred and ninety-five, and Chapter one hundred and twenty of the Public Laws of eighteen hundred and ninety-nine, and Section ninety-two of Chapter eighty-one of the Revised Statutes, relating to the limitations of actions against Executors and Administrators.

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

Section 1. Section twelve of chapter eighty-seven of the revised statutes as amended by chapter one hundred and twenty of the public laws of eighteen hundred and ninety-nine is hereby amended so as to read as follows:

Section 12 of chapter 87, R. S., as amended by chapter 120, public laws of 1899, further amended.

'Section 12. All claims against estates of deceased persons, except for legacies and distributive shares, shall be presented to the executor or administrator in writing, or filed in the probate court, supported by an affidavit of the claimant, or of some other person cognizant thereof either before or within eighteen months after affidavit has been filed in the probate court that notice has been given by said executor or administrator of his appointment, and no action shall be commenced against such executor or administrator on any such claim until thirty days after the presentation or filing of such claim as above provided. Any claim not so presented or filed shall be forever barred against the estate, except as provided in sections thirteen, fourteen, sixteen and nineteen of chapter eighty-seven.

Claims against estates shall be filed in writing, with affidavit.

—claims barred, when.

Actions against executors or administrators, on such claims, if brought within one year after notice is given by them of their appointment, shall be continued, without costs to either party, until said year expires and be barred by a tender of the debt within the year, except, actions on claims not affected by the insolvency of the estate, and actions on appeals from commissioners of insolvency or other commissioners appointed by the judge of probate. No action shall be maintained against an executor or administrator on a claim or demand against the estate, except for legacies and distributive shares, and except as provided in sections thirteen and fifteen, unless commenced within eighteen months after affidavit has been filed in the probate court as provided in section forty of chapter sixty-four of the revised statutes.

—continuance of actions, if brought within one year after notice, to be continued without costs.

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,

—executors residing out of state shall appoint agent in the state.

CHAP. 199

after giving notice of their appointment, shall appoint an agent or attorney in the state and give public notice thereof; service made on such agent or attorney 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, service may be made on one of his sureties with the same effect as if made on him.'

Section 92
of chapter
81, R. S.,
amended.

Provisions
in case of
death of
either party
before suit is
commenced.

Section 2. Section ninety-two of chapter eighty-one of the revised statutes is hereby amended so as to read as follows:

'Section 92. If a person entitled to bring, or liable to any action before mentioned, dies before or within thirty days after the expiration of the time herein limited therefor, and the cause of action survives, the action may be commenced by the executor or administrator at any time within eighteen months after his appointment, and not afterwards, if barred by the other provisions hereof; actions on such claims may be commenced against the executor or administrator, after one year or within one year subject to continuance without costs and within eighteen months after affidavit has been filed in the probate office that notice of his appointment has been given by him, and not afterwards, if barred by the other provisions hereof, except as provided in sections thirteen and fifteen of chapter eighty-seven.'

Pending
actions ex-
cepted from
provisions of
this act.

Section 3. This act shall not apply to any pending action nor to any cause of action against estates in which administration has already been granted.

Section 4. This act shall take effect when approved.

Approved March 28, 1903.

Chapter 199.

An Act to increase the Salary of the County Attorney of Sagadahoc County.

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

Salary of
county
attorney of
Sagadahoc
county, fixed.

Section 1. On and after January one, nineteen hundred and four, the salary of the county attorney of Sagadahoc county shall be six hundred dollars per annum, payable in quarterly payments, instead of the sum now established by law.

Section 2. This act shall take effect when approved.

Approved March 28, 1903.