

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE

**1913**

Including Acts and Resolves of the Special Session held  
in 1912.

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

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AUGUSTA  
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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-Sixth  
Legislature

*1913*

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**Chapter 22.****CHAP. 22**

An Act to Amend Section Fourteen of Chapter Eighty-nine of the Revised Statutes as Amended by Section One of Chapter One Hundred and Eighty-six of the Public Laws of Nineteen Hundred and Seven, Relating to the Limitation of Actions against Executors and Administrators.

*Be it enacted by the People of the State of Maine, as follows:*

Section fourteen of chapter eighty-nine of the Revised Statutes as amended by section one of chapter one hundred and eighty-six of the public laws of nineteen hundred and seven, is hereby further amended by inserting after the word "commenced" in line twenty-six thereof, the words 'and served,' so that said section, as amended, shall read as follows:

'Section 14. All claims against estates of deceased persons, except for legacies and distributive shares and for labor and material for which suits may be commenced under section thirty-four of chapter ninety-three, 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, 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 fifteen, sixteen, eighteen and twenty-one of this chapter.

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 appeal 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 fifteen and seventeen, unless commenced and served within twenty months after affidavit has been filed in the probate court as provided in section forty-two of chapter sixty-six. 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

Section 14, chapter 89, R. S., as amended by section 1, chapter 186, P. L. of 1907, further amended.

Claims against estates shall be filed in writing with affidavit.

—no action for thirty days.

Continuance of actions if brought within one year after notice without costs.

—executors, etc., residing out of the state, to appoint an agent in the state.

CHAP. 23 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; 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, service may be made on one of his sureties in the same manner and with the same effect as if made on him.'

Approved March 3, 1913.

### Chapter 23.

An Act Relating to the Taxation of Telegraph Companies.

*Be it enacted by the People of the State of Maine, as follows:*

Chapter 105,  
P. L. of  
1911, re-  
pealed.

Section 1. Chapter one hundred and five of the Public Laws of nineteen hundred and eleven is hereby repealed.

Approved March 3, 1913.

### Chapter 24.

An Act to Amend Section Seventy-one of Chapter Eighty-three of the Revised Statutes in Regard to Release or Discharge of Attachments.

*Be it enacted by the People of the State of Maine, as follows:*

Section 71,  
chapter 83,  
R. S.,  
amended.

Section 1. Section seventy-one of chapter eighty-three of the Revised Statutes is hereby amended by adding at the end of said section the following words:

'Such attachments may be discharged on the record thereof in the office of the Registry of Deeds by an attorney-at-law authorized in writing by the plaintiff in such suit; provided, however, that said writing is first recorded or filed in said office, with a reference thereto made by the register on the margin of the record of an attachment,' so that said section, as amended, shall read as follows:

'Section 71. When an attachment is dissolved by judgment for the defendant, the clerk of the court shall give any person applying therefor a certificate of that fact, which the register of deeds shall note on the margin of the record of the attachment; and before or after judgment, the plaintiff in such suit may cause a discharge of such attachment, signed by him, to be entered on the margin of the record thereof; or he may give a certificate, signed, sealed and acknowledged by him, that

Clerk of  
court shall  
give owner  
a certificate  
of dissolution  
of attach-  
ment.

—creditor  
may re-  
lease attach-  
ment on the  
record, or by  
a certificate  
to be re-  
corded.