

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.

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

As Passed by the Seventy-Sixth
Legislature

1913

CHAP. 47

Chapter 47.

An Act to Amend Section Fifty-five of Chapter Forty-nine of the Revised Statutes, Relating to the Enforcement of a Mortgagee's Lien for Insurance.

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

Section 55
of chapter
49, R. S.,
amended.

Section fifty-five of chapter forty-nine of the revised statutes is hereby amended so that said section fifty-five as amended, shall read as follows :

Lien, how
enforced.

'Section 55. If the mortgagor does not so consent, the mortgagee may, at any time within sixty days after a loss, enforce his lien by a suit against the mortgagor, and the company as his trustee, in which judgment may be rendered for what is found due from said company upon the policy, notwithstanding the time of payment of the whole sum secured by the mortgage has not arrived, and which said suit shall be commenced and service made on such trustee within said sixty days.'

Approved March 12, 1913.

Chapter 48.

An Act Conferring Equity Jurisdiction upon the Supreme Judicial Court to Hear and Determine Property Matters between Wife and Husband or Husband and Wife.

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

The supreme
judicial
court shall
determine
property
matters be-
tween hus-
band and
wife.

Section 1. The Supreme Judicial Court shall have power, authority and jurisdiction in equity, to hear and determine property matters between wife and husband, or husband and wife as provided in section two of this act and to make all necessary orders and decrees relating to such matters, and to issue all necessary process to enforce such orders and decrees, and to cause all such orders and decrees to be enforced.

Wife may
bring bill in
equity.

Section 2. A wife may bring a bill in equity against her husband for the recovery, conveyance, transfer, payment or delivery to her of any property, real or personal or both, exceeding one hundred dollars in value, standing in his name, or to which he has the legal title, or which is in his possession, or under his control, which in equity and good conscience belongs to her and which he neglects or refuses to convey, transfer, pay over or deliver to her, and, upon proper proof, may maintain such bill. And a husband shall have the same right to bring and maintain a bill in equity against his wife for the purposes aforesaid, subject to the limitations aforesaid. Marriage shall be no bar to the maintenance of a bill in equity by a wife against her husband, or by a husband against his wife,

—husband
may bring
bill in
equity.

—marriage
shall be no
bar to main-
tenance of
bill.

brought for the purposes aforesaid. No costs shall be awarded against either party in any such proceedings. But if it satisfactorily appears to the court on hearing that the party bringing the bill has conveyed or transferred any of her or of his property, real or personal, to the other party to the bill for the purpose of cheating, defrauding, hindering or delaying her or his creditors, the bill shall be dismissed. An appeal from any final decree may be taken as in other equity causes. There shall be no survival of the right to institute proceedings under this act, and if a wife or husband dies after the commencement of proceedings under this act and before the final determination and disposition of the same, such proceedings shall abate.

CHAP. 49

—appeal,
how taken.

Approved March 12, 1913.

Chapter 49.

An Act to Amend Section Twenty-eight of Chapter Sixty-five of the Revised Statutes, Relating to Appeals from Orders, Sentences, Decrees or Denials of Judges of Probate.

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

Section twenty-eight of chapter sixty-five of the revised statutes, is hereby amended by inserting, after the word "administrator" in the fifth line, the words, 'and from any order or decree requiring any administrator, executor, guardian or trustee to give an additional or new official bond,' so that said section as amended shall read as follows:

Section 28
of chapter
65, R. S.,
amended.

'Section 28. The supreme judicial court is the supreme court of probate, and has appellate jurisdiction in all matters determinable by the several judges of probate; and any person aggrieved by any order, sentence, decree, or denial of such judges, except the appointment of a special administrator, and from any order or decree requiring any administrator, executor, guardian or trustee to give an additional or new official bond, may appeal therefrom to the supreme court to be held within the county, if he claims his appeal within twenty days from the date of the proceeding appealed from; or if, at that time, he was beyond sea, or out of the United States, and had no sufficient attorney within the state, within twenty days after his return, or the appointment of such attorney.'

Supreme
court of
probate.

—appeal.

Approved March 12, 1913.