

MAINE STATE LEGISLATURE

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Acts and Resolves

As Passed by the

Seventy-Eighth Legislature

OF THE

STATE OF MAINE

1917

Including Acts and Resolves of the Special Session of the
Seventy-Seventh Legislature held in 1916.

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Seventy-Eighth Legislature

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their offices, according to the constitution, and their election shall be effected and determined as is provided respecting county commissioners, and they shall enter upon the discharge of official duty on the first day of January following. Every person elected or appointed sheriff for either of the counties of York, Cumberland, Kennebec or Penobscot, before receiving his commission, shall give bond to the treasurer of state, with at least three sufficient sureties or with the bond of a surety company authorized to do business in this state as surety, in the sum of forty thousand dollars; and for either of the other counties, in the sum of twenty-five thousand dollars, conditioned for the faithful performance of the duties of his office, and to answer for all neglect and misdoings of his deputies.'

Approved March 1, 1917.

Chapter 11.

An Act to Amend Sections Four and Five of Chapter Seventy-eight of the Revised Statutes, Relating to the Sale of Real Estate Subject to Contingent Remainders.

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

Sec. 1, R. S., c. 78, § 4, relating to sale of real estate subject to contingent remainders, amended. Section four of chapter seventy-eight is hereby amended by inserting after the word "estate", in the fifth line of said section, the words 'which petition shall set forth the nature of the petitioner's title to said real estate, the source from which the title was derived, the names and addresses of all persons known to be interested in said real estate, and such other facts as may be necessary for a full understanding of the matter,' so that said section, as so amended shall read as follows:

'Sec. 4. Petition for sale must give all facts necessary for full understanding of matter. When real estate is subject to a contingent remainder, executory devise, or power of appointment, the supreme judicial court, or the probate court, for the county in which such real estate is situated, may, upon the petition of any person who has an estate in possession in such real estate, which petition shall set forth the nature of the petitioner's title to said real estate, the source from which the title was derived, the names and addresses of all persons known to be interested in said real estate, and such other facts as may be necessary for a full understanding of the matter, and after notice and other proceedings as herein-after required, appoint one or more trustees, and authorize him or them to sell and convey such estate or any part thereof in fee simple, if such sale and conveyance appears to the court to be necessary or expedient; to mortgage the same, either with or without power of sale, for such an amount, on such terms, and for such purposes, as may seem to the court judicious or expedient; and such conveyance or mortgage shall be valid and binding upon all parties.'

Sec. 2. R. S., c. 78, § 5, relating to notice of petition, amended. Section five of said chapter is amended by adding, after the word "therein," in the fourth line of said section, the words 'provided that if persons in-

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interested in said real estate do not consent in writing to a sale thereof, personal notice of the time and place of the hearing on said petition shall be given to all persons known to be interested therein. Said personal notice may be given in any manner provided by law, or by the clerk of courts or the register of probate sending a copy of said petition and order of court thereon by registered mail, return receipt requested, in time to give each party at least fourteen days' notice of said hearing. The written statements of the clerk and register, with the return receipt, shall be proof of said service'; so that said section five, as so amended, shall read as follows:

'Sec. 5. Personal notice must be given fourteen days before date of hearing. Notice of any such petition shall be given in such manner as the court may order, to all persons who are or may become interested in the real estate to which the petition relates, and to all persons whose issue, not in being, may become interested therein; provided that if persons interested in said real estate do not consent in writing to a sale thereof, personal notice of the time and place of the hearing on said petition shall be given to all persons known to be interested therein. Said personal notice may be given in any manner provided by law, or by the clerk of courts or the register of probate sending a copy of said petition and order of court thereon by registered mail, return receipt requested, in time to give each party at least fourteen days' notice of said hearing. The written statements of the clerk and register, with the return receipt, shall be proof of said service. The court shall in every case appoint a suitable person to appear and act therein as the next friend of all minors, persons not ascertained, and persons not in being, who are or may become interested in such real estate; and the cost of the appearance and services of such next friend, including the compensation of his counsel, to be determined by the court, shall be paid, as the court may order, either out of the proceeds of the sale or mortgage or by the petitioner, in which latter case execution therefor may issue in the name of the next friend.'

Approved March 1, 1917.

Chapter 12.

An Act to Amend Section Fifty-six of Chapter Fifty-three of the Revised Statutes Relating to Retiring of Guaranty Capital of Mutual Fire Insurance Companies.

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

R. S., c. 53, § 56, relating to capital, guaranty fund, etc., of insurance companies, amended. Section fifty-six of chapter fifty-three of the revised statutes is hereby amended to read as follows:

'Sec. 56. Guaranty capital to be retired when net cash assets equal three times the amount of said capital. Such agreement shall set forth the fact that the subscribers thereto associate themselves with the intention to constitute a corporation, the name by which it shall be known, the class or classes of insurance for the transaction of which it is to be constituted,