

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1961 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 4

Discard Previous Pocket Part Supplement

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1961

Chapter 156.

Partition of Real Estate. Allowances. Distributions.

Partition of Real Estate.

Sec. 7. When such interest under attachment.—If the share of any such widow or widower, heir or devisee, or anyone claiming under such widow or widower, heir or devisee, is under attachment, the judge, on like application from the plaintiff in the action or from the attaching officer, shall require the money, not exceeding the amount of the attachment, to be paid to the officer, who shall be answerable therefor in his official capacity, subject to the rights of the parties, as if originally attached. (R. S. c. 143, § 7. 1961, c. 317, § 506.)

Effect of amendment.—The 1961 amendment substituted “action” for “suit” near the middle of this section.

Sec. 11. Guardians appointed for minors or mentally ill persons, agents for owners out of state.—If it appears to the court that any minor or mentally ill person, who has no guardian in the state, is interested in the premises, the court shall assign him a guardian for the action, to appear for him and defend his interest. If any owner resides without the state, having no agent therein, the judge shall appoint an agent to act for him. (R. S. c. 143, § 11. 1961, c. 317, § 507.)

Effect of amendment.—The 1961 amendment divided this section into two sentences and substituted “mentally ill” for “insane” and “action” for “suit” in the present first sentence.

Allowances to Widows and Others.

Sec. 17. Widows support.

Applied in *Old Colony Trust Co. v. McGowan*, 156 Me. 138, 163 A. (2d) 538.

Distribution of Personal Estate.

Sec. 23. Assignment of debts; conditions of action.—If any evidence of debt or account due to the deceased is thus assigned, the assignee may use the name of the executor or administrator to collect the same, by civil action or otherwise, on giving such indemnity against costs as the judge orders, saving to all supposed debtors the right to set off any claim against the estate of the deceased. (R. S. c. 143, § 23. 1961, c. 317, § 508.)

Effect of amendment.—The 1961 amendment substituted “civil action” for “suit” in this section.

Sec. 27. Legatee may sue for legacy.—Any legatee of a residuary or specific legacy under a will may sue for and recover the same of the executor in a civil action or other appropriate action. (R. S. c. 143, § 27. 1961, c. 317, § 509.)

Effect of amendment.—The 1961 amendment substituted “a civil action” for “an action of debt at common law” in this section.