

MAINE STATE LEGISLATURE

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CHAPTER 205

ADMINISTRATORS AND ADMINISTRATION

Sec.

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§ 1551. Letters of administration

Upon the death of any person intestate, the judge having jurisdiction shall grant administration of such intestate's goods or estate to the widow, husband, next of kin, or husband of the daughter of the deceased, or to 2 or more of them, as he thinks fit, if the applicants are more than 21 years old and are in other respects qualified for the trust, but if unsuitable or being residents in the county they, after due notice, neglect or refuse for 30 days from the death of the intestate to take out letters of administration, he may commit administration on such estate to such person as he deems suitable.

R.S.1954, c. 154, § 19.

§ 1552. Waiver of bond

A judge of probate may in his discretion grant administration or administration with the will annexed upon any estate, to the widow, widower or next of kin, without requiring bond for the faithful discharge of the duties of the trust, whenever all persons interested in said estate who are of full age and legal capacity, other than creditors, assent in writing thereto, provided public notice shall first be given upon the petition for such appointment. The judge of probate may, upon or after granting letters of administration or letters of administration with the will annexed, whenever it appears necessary or proper, require that a bond be given as in other cases.

R.S.1954, c. 154, § 21.

§ 1553. Refusal or delay of judge

If any judge of probate shall refuse or unreasonably delay the appointment of an administrator upon the estate of any person

deceased upon due application therefor, an application may be made to the Superior Court sitting in the county where the person deceased had his residence at the time of his death, or to any judge thereof in vacation, for such appointment. Said court or such judge shall have the same power to appoint an administrator as the probate court now has.

R.S.1954, c. 154, § 22.

§ 1554. Administrator's bond

Except when a bond is not required as provided in section 1552, every administrator, before entering on the execution of his trust, shall give bond with good and sufficient sureties resident within the State or with a surety company authorized to do business in the State, as surety, in such sum as the judge orders, payable to him or his successors, conditioned in substance as follows:

1. Inventory within 3 months. To make and return into the probate court, within 3 months, a true inventory of all the real estate and all the goods, chattels, rights and credits of the deceased, which come into his possession or knowledge.

2. Administer assets. To administer according to law all the goods, chattels, rights and credits of the deceased.

3. Account within one year. To render, upon oath, a true account of his administration within one year and at any other times when required by the judge of probate.

4. Pay and deliver after accounts. To pay and deliver any balance, any goods and chattels or rights and credits, remaining in his hands upon the settlement of his accounts, to such persons as the judge of probate directs.

5. If will proved and allowed. To deliver the letters of administration into the probate court in case any will of the deceased is thereafter proved and allowed.

6. Injury to real estate, account for. To account, in case the estate should be represented insolvent, for 3 times the amount of any injury done to the real estate of the deceased by him or with his consent, between such representation and the sale of such real estate for the payment of debts, by waste or trespass committed on any building thereon, or on any trees standing and growing thereon, except as necessary for repairs or fuel for the family of

the deceased; or by waste or trespass of any other kind; and for such damages as he recovers for the like waste or trespass committed thereon.

R.S.1954, c. 154, § 23.

§ 1555. Administration unnecessary; small estates

No administration shall be granted on the estate of any intestate deceased person, unless it appears to the judge that he left personal estate to the amount of at least \$20, or owed debts to that amount, and left real estate of that value. When no administration is granted for want of such estate, the personal property of the deceased becomes the property of the widow, or, if none, of the next of kin, who are not, in such case, chargeable as executors in their own wrong. After 20 years from the death of any person, no probate of his last will or administration on his estate shall be originally granted except as provided in section 1556, unless it appears that there are moneys due to said estate from this State or the United States, but this does not apply to foreign wills previously proved and allowed in another state or country.

R.S.1954, c. 154, § 1.

§ 1556. Intestate administration after 20 years

When administration has not been taken on the estate of an intestate within 20 years after the death of such intestate, and thereafter any property of at least \$20 in value accrues to said estate, or belonging thereto first comes to the knowledge of any person interested in said estate, original administration may be granted on such property at any time within 2 years next after it so accrued or first became known, but such administration shall affect no other property and shall not revive debts due to or by said intestate.

R.S.1954, c. 154, § 2.