

MAINE STATE LEGISLATURE

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Sixty - Third Legislature.

HOUSE.

No. 209.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
EIGHTY-SEVEN.

AN ACT to amend section five of chapter sixty-five
of the Revised Statutes.

*Be it enacted by the Senate and House of Representatives
in Legislature assembled, as follows:*

The fifth section of chapter sixty-five of the Re-
vised Statutes is hereby amended by adding to said
section the words:

'Whenever the widow is advised that the legal
construction of the provisions of the will for her is
doubtful or uncertain, the time for making her election
shall be extended to thirty days after certificate to
the probate court where the probate proceedings
are had, of the final decision by the supreme ju-
dicial court, upon a bill in equity commenced by her
within thirty days after the probate of the will, to

12 obtain the instruction of the court as to her rights
13 under it; but in no case shall the time for election
14 be less than six months after probate. The clerk
15 of the courts for the county in which the proceed-
16 ings in equity are commenced, within three days
17 after receipt of the decision therein, shall send no-
18 tice of the same to the widow or her solicitor of
19 record, and transmit a certified copy of the decree
20 to the proper probate court where it shall be re-
21 corded with the time of its reception,' so that said
22 section when amended shall read as follows:

'SECT. 5. When a specific provision is made for
24 a widow in her husband's will, she shall within six
25 months after probate thereof, make her election,
26 whether to accept it or claim her dower; but is not
27 entitled to both, unless it appears by the will that the
28 testator plainly so intended. Whenever the widow is
29 advised that the legal construction of the provisions
30 of the will for her is doubtful or uncertain, the time
31 for making her election shall be extended to thirty
32 days after certificate to the probate court in the
33 county where the probate proceedings are had, of
34 the final decision by the supreme judicial court upon
35 a bill in equity commenced by her within thirty days
36 after the probate of the will, to obtain the instruc-
37 tion of the court as to her rights under it; but in

38 no case shall the time for election be less than six
39 months after probate. The clerk of the courts for
40 the county in which the proceedings in equity are
41 commenced, within three days after receipt of the
42 decision therein, shall send notice of the same to the
43 widow or her solicitor of record, and transmit a
44 certified copy of the decree to the proper probate
45 court, where it shall be recorded with the time of
46 its reception.'

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
March 2, 1887. }

Reported from Committee on Judiciary by Mr. TALBOT of East Machias; ordered printed under joint rule.

NICHOLAS FESSENDEN, Clerk.