

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE,
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OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1841.

Augusta:
SEVERANCE AND DORR, PRINTERS TO THE STATE.

1841.

7.

TWENTY-FIRST LEGISLATURE.

NO. 14.

SENATE.

AN ACT

IN ADDITION TO AN ACT

TO REGULATE

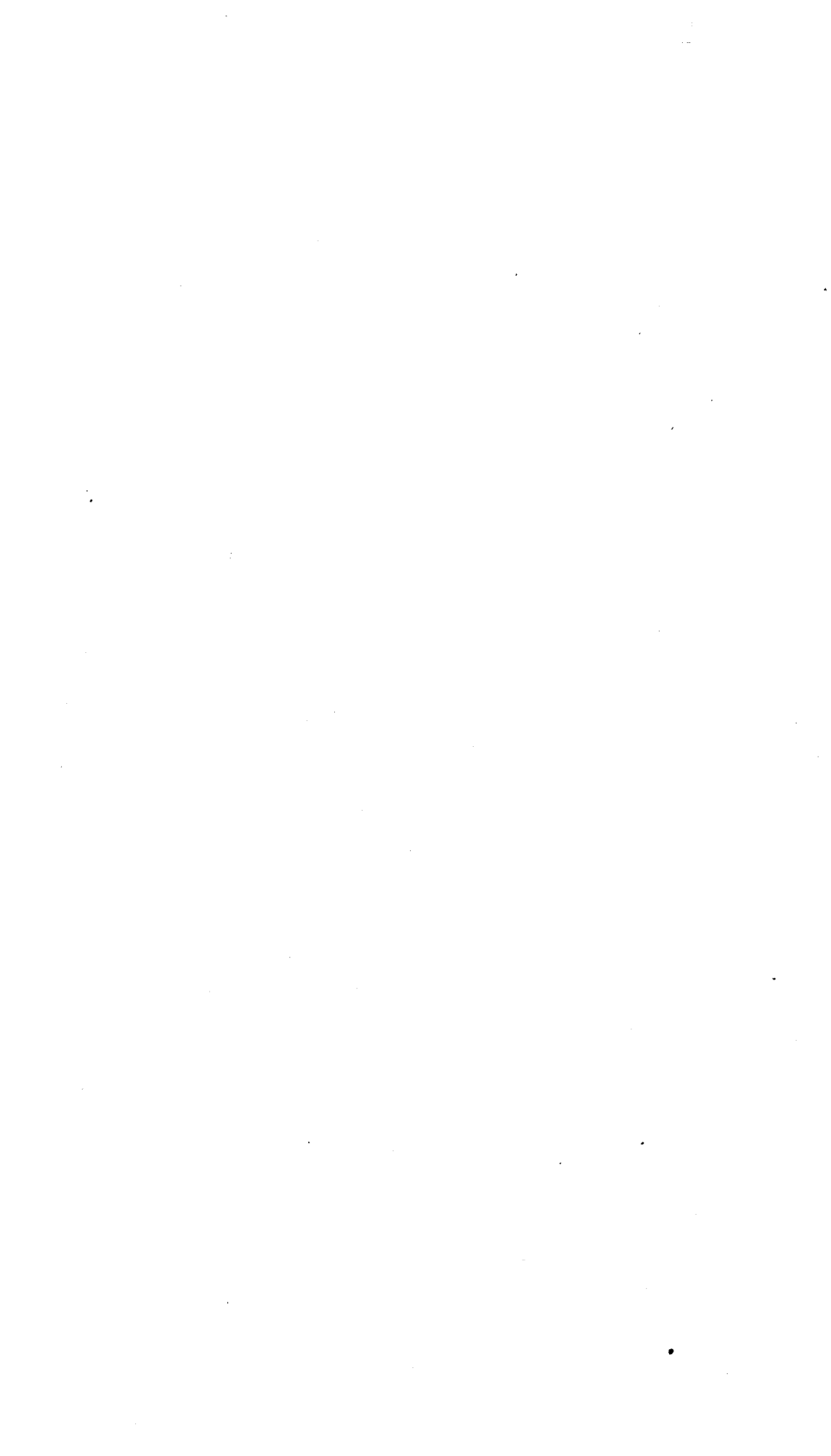
THE JURISDICTION AND PROCEEDINGS

OF THE

COURTS OF PROBATE.

SEVERANCE & DORR,.....Printers to the State.

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STATE OF MAINE.

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

AN ACT in addition to an Act to regulate the jurisdiction and proceedings of the Courts of Probate.

SECT. 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled, That* whenever a person, being an Executor, Administrator, or Guardian, whose trust shall not have been fully executed at the time of appointment, has been, or shall be, appointed and qualified as Judge of the Court of Probate in and for the County wherein his letters of executorship, administration or guardianship were granted, it shall be lawful for said Executor, Administrator, or Guardian to continue and fulfil his said trust, and all the proceedings and acts to be had and done, subsequent to his appointment as Judge, by said Executor, Administrator or Guardian, in and by a Court of Probate, touching his said trust, shall be had and done by a Court of Probate in an adjoining County, and each of the Courts of Probate

18 in the adjoining Counties is vested with jurisdic-
19 tion thereof; but the record of said proceedings
20 and acts shall be made in the Registry of Probate
21 in the County wherein the letters aforesaid are re-
22 corded.

SECT. 2. *Be it further enacted,* That the
2 Judges of Probate in the respective Counties may
3 appoint special Courts, whenever cases occur
4 which, in their judgment, render it necessary, in
5 addition to the fixed days which are to be made
6 known by public notification; and may adjourn
7 their regular Courts to any time not beyond the
8 next regular Court day; and in case of the ab-
9 sence of the Judge, by reason of sickness or other-
10 wise, or vacancy in the office of Judge, the Register
11 of Probate may adjourn the Court, by posting
12 notification thereof at the Probate Office, till the
13 Judge can attend.

SECT. 3. *Be it further enacted,* That whenever
2 any Judge of any Court of Probate within this
3 State may have been or shall hereafter be removed
4 from office, by sudden death or otherwise, and
5 thereby have been prevented from signing any
6 decree or decrees by him made, as Judge of Pro-
7 bate, or from certifying any other official act by
8 him performed, it shall be the duty of the Register
9 of Probate in such County to make record thereof,
10 in such manner as if the same had been duly

11 signed and certified by said Judge, in his life time
12 or while in office. And it shall be the duty of the
13 Judge of Probate who shall be appointed to fill
14 the vacancy occasioned as aforesaid, upon accept-
15 ing the trust, to examine said decrees and certifi-
16 cates as soon as may be, and if the same, and the
17 proceedings connected therewith, shall be found
18 correct, and otherwise conformable to law, it shall
19 be his duty to confirm the same, and when so con-
20 firmed shall be valid to all intents and purposes,
21 and to the same extent as they would have been if
22 the same had been duly signed by his predecessor
23 while in office.

SECT. 4. *Be it further enacted,* That this
2 Act shall take effect and be in force from and after
3 its approval by the Governor.

STATE OF MAINE.

IN SENATE, March 15, 1841.

Laid on the table, and ordered, That 500 copies be printed
for the use of the Legislature.

[Extract from the Journal.]

ATTEST,

DANIEL SANBORN, *Secretary.*