

# MAINE STATE LEGISLATURE

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**EIGHTY-FIRST LEGISLATURE**

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**HOUSE**

**NO. 153**

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House of Representatives, February 22, 1923.

Referred to Committee on Judiciary and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Maher of Augusta.

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**STATE OF MAINE**

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND TWENTY-THREE

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AN ACT to Amend Section Thirty-six of Chapter Sixty-seven  
of the Revised Statutes Relating to Jury Trials in Probate  
Appeals.

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

Section thirty-six of chapter sixty-seven of the Revised  
2 Statutes is hereby amended by striking out the last two lines  
3 thereof and substituting the following: 'is raised by either  
4 party an issue shall be framed by the court and submitted to  
5 the jury for the purpose of deciding such question,' so that  
6 said section shall read as follows:

'Such appeal shall be cognizable at the next term of the  
2 supreme court, held after the expiration of thirty-four days

3 from the date of the proceeding appealed from, and said  
4 appellate court may reverse or affirm, in whole or in part,  
5 the sentence or act appealed from, pass such decree thereon  
6 as the judge of probate ought to have passed, remit the case  
7 to the probate court for further proceedings, or take any  
8 order therein, that law and justice require; and if, upon  
9 such hearing, any question of fact is raised by either party  
10 an issue shall be framed by the court and submitted to the  
11 jury for the purpose of deciding such question.