

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-FIRST LEGISLATURE

HOUSE

NO. 494

House of Representatives, March 29, 1923.

On motion of Mr. Bartlett of Waterville, 500 copies ordered printed.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Maher of Augusta.

STATE OF MAINE

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

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

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

Section thirty-six of chapter sixty-seven of the revised statutes is hereby amended by adding thereto the following words: 'and the verdicts thereof shall have the same effect and be subject to the same motions as jury verdicts in civil cases,' so that said section, when amended, shall read as follows:

'Sect. 36. Appeal to be heard at next term; proceedings.

2 Such appeal shall be cognizable at the next term of the su-
3 preme court, held after the expiration of thirty-four days
4 from the date of the proceeding appealed from, and said
5 appellate court may reverse or affirm, in whole or in part,
6 the sentence or act appealed from, pass such decree thereon
7 as the judge of probate ought to have passed, remit the case
8 to the probate court for further proceedings, or take any
9 order therein, that law and justice require; and if, upon such
10 hearing, any question of fact occurs proper for a trial by
11 jury, an issue may be framed for that purpose under the
12 direction of the court, and so tried, and the verdict thereof
13 shall have the same effect and be subject to the same motions
14 as jury verdicts in civil cases.'