

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

EIGHTY-FIRST LEGISLATURE

SENATE

NO. 184

In Senate, March 2, 1923.

Referred to Committee on Judiciary and five hundred copies ordered printed. Sent down for concurrence.

L. ERNEST THORNTON, Secretary.

Presented by Senator Buzzell of Waldo.

STATE OF MAINE

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

AN ACT Relating to Appeal from the Judge of Probate.

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

Section 1. Section thirty-two of chapter sixty-seven of
2 the revised statutes, as amended by chapter one hundred
3 sixty-seven of the public laws of nineteen hundred and
4 nineteen is hereby amended by striking out the whole of
5 said section and enacting in place thereof, the following:

‘Sect. 32. Appellant to file bond and reasons of appeal;
2 service on other parties; service on attorney of record of a
3 non-resident sufficient. R. S. c. 65, sect. 29. Within the
4 time limited for claiming an appeal, the appellant shall
5 file in the probate office his bond to the adverse party, or to

6 the judge of probate for the benefit of the adverse party,
7 for such sum and with sureties as the judge approves, con-
8 ditioned to prosecute his appeal with effect, and to pay all
9 intervening costs and damages, and such costs as the su-
10 preme court taxes against him; and he shall also file in
11 the probate office the reasons of appeal. In case of con-
12 troversy between a person under guardianship and his
13 guardian, the supreme court may sustain an appeal on the
14 part of the ward without such bond.'

Sect. 2. After giving notice of his appeal and filing bond
2 as provided in the foregoing section, the appellant shall
3 cause to be produced and entered at the appellate court in
4 the county having jurisdiction, a copy of the record and
5 copies of all of the papers filed in the cause, except depo-
6 sitions or other written evidence or documents, the original
7 of which shall be produced, and if such appellant fails to
8 cause said appeal to be entered as aforesaid and to produce
9 such copies and enter and prosecute his action, the court,
10 on complaint of the adverse party, may affirm the former
11 judgment, with costs.

Sect. 3. On appeal from the probate court to the supreme
2 court, as provided in the foregoing sections, the supreme
3 court shall allow reasonable costs to the prevailing party
4 for making all copies provided for in the preceding sections.