

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

PASSED BY THE

## FORTY-FOURTH LEGISLATURE

OF THE

## STATE OF MAINE.

1865.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
February 26, 1840, and March 16, 1842.

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AUGUSTA:  
STEVENS & SAYWARD, PRINTERS TO THE STATE.  
1865.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1865.

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**CHAP. 293.**

List of justices of the peace, &c., to be furnished clerks of state and U. S. courts.

*Sect. 1. The secretary of state shall on or before the first day of June next, forward to the clerks of courts in the several counties, and to the clerks of the United States courts, in this state, a list of all justices of the peace, justices of the peace and quorum, trial justices and notaries public, in this state, whose commissions shall then be in force, and the evidence of whose qualifications has been filed in his office.*

Approved February 11, 1865.

### Chapter 293.

An act giving further remedies against executors and administrators.

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

When and upon what proceedings execution may be issued by the S. J. C.

Notice of hearing may be required.

Execution may be awarded with or without notice.

Application, how entered by the clerk.

Fees of clerks.

Amount for which execution may issue.

**SECT. 1.** In all cases which have arisen or may hereafter arise under the act approved April fourth, in the year of our Lord one thousand eight hundred and fifty-nine, authorizing judges of probate to appoint commissioners in certain cases, if a report has been or shall be made in favor of the claimant, and the amount awarded him remains unpaid for more than thirty days after the return of the report to the judge of probate, and no appeal has been taken, the claimant may file in the clerk's office of the supreme judicial court for the same county a certified copy of the report, and apply, in writing, to any judge of the court for an order to the clerk to issue an execution upon such report in favor of the claimant. Such judge may, in his discretion, require notice to be given of a summary hearing upon such application, and shall thereupon give an order for such execution, if no sufficient cause is shown to the contrary; or he may give such order without a hearing. The application shall be entered by the clerk, on the docket of the court, if in session; otherwise, on the docket of the preceding term. The fees of the clerk, to be paid by the claimant, shall be three dollars, and the claimant shall recover travel and attendance, and the expense of copies and services, as in suits at law. The execution shall be for the amount of the report, with interest from the date of its return to the judge of probate, together with such costs, if any, as may have been adjudged in the probate court, and the fees and costs provided by this act.

**SECT. 2.** This act shall take effect on its approval by the governor.

Approved February 11, 1865.