

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FORTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE.

1869.

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

AUGUSTA:

SPRAGUE, OWEN & NASH, PRINTERS TO THE STATE.

1869.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1869.

CHAP. 9.

out of the United States, and had no sufficient attorney within the state, within twenty days after his return, or constitution of such attorney.'

R. S., chap. 63, sect. 20, relating to filing of bond and reasons of appeal by the appellant, amended,

SECT. 7. The twentieth section of the same chapter is amended so as to read as follows :

'Sect. 20. Within the time limited for claiming an appeal, the appellant shall file, in the probate office, his bond to the adverse party, or to the judge of probate for the benefit of the adverse party, for such sum, and with such sureties, as the judge approves ; conditioned to prosecute his appeal with effect, and pay all intervening costs and damages, and such costs as the supreme court taxes against him ; and within said limited time he shall also file in the probate office the reasons of appeal ; and fourteen days at least before the sitting of the appellate court, shall serve all the other parties, who appeared before the judge of probate in the case, with a copy of such reasons, attested by the register of probate ; but in case of controversy between a person under guardianship and his guardian, the supreme court may sustain an appeal on the part of the ward without such bond.'

R. S., chap. 63, sect. 24, relating to the time of hearing the appeal and order thereat, amended.

SECT. 8. The twenty-fourth section of the same chapter is amended so as to read as follows :

'Sect. 24. Such appeal shall be cognizable at the next term of the supreme court, which is held after the expiration of thirty-four days, after the date of the proceeding appealed from, and said court may reverse or affirm, in whole or in part, the sentence or act appealed from ; pass such decree thereon as the judge of probate ought to have passed ; remit the case to the probate court for further proceedings ; or take any order therein that law and justice require ; and if, upon such hearing, any question of fact occurs, proper for a trial by jury, an issue may be formed for that purpose under the direction of the court and so tried.'

Approved February 3, 1869.

Chapter 9.

An act additional to chapter eighty-seven of the revised statutes.

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

Limitation of actions against executors and administrators upon claims against their testators and intestate.

No action shall be maintained against an executor or administrator, upon any claim against the estate of his testator or intestate, unless such claim has been presented in writing to such executor or administrator, and payment thereof demanded, at least thirty days before the commencement of said action.

Approved February 3, 1869.