

# MAINE STATE LEGISLATURE

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DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE.

1861.



AUGUSTA:  
STEVENS & SAYWARD, PRINTERS TO THE STATE.  
1861.

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# FORTIETH LEGISLATURE.

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HOUSE.

No. 56.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND  
SIXTY-ONE.

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### AN ACT relating to wills.

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

SECTION 1. Section two of chapter sixty-four of  
2 revised statutes is amended by adding the following at  
3 the end thereof :

And when the last will of any deceased person, who  
2 had his domicile in this state at the time of his death,  
3 is lost, destroyed, suppressed, or carried out of the  
4 state, and cannot be obtained after reasonable dili-  
5 gence, the execution and contents thereof may be  
6 proved by a copy and the legal testimony of the sub-  
7 scribing witnesses to the will, or by any other compe-

8 tent evidence, as in case of a lost deed ; and thereupon  
9 letters testamentary shall be granted as on the last  
10 will of the deceased, the same as if the original had  
11 been produced and proved.

SECT. 2. Section thirteen of chapter sixty-five of  
2 the revised statutes is amended by adding the follow-  
3 ing at the end thereof :

And in the settlement of any testate estate, where no  
2 provision is made for the widow in the will of her hus-  
3 band, or she duly waives the same, the judge shall  
4 make her suitable allowances from the personal estate,  
5 from time to time, for the support of herself and family  
6 under her care, during any litigation concerning the  
7 will ; and on the final probate of the will, he shall  
8 make her a final reasonable allowance from the per-  
9 sonal estate ; according to the degree and estate of  
10 her husband, and the state of the family under her  
11 care.

SECT. 3. This act shall take effect from and after  
2 its approval by the governor.

STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, }  
March 5, 1861. }

Reported by Mr. GRANGER from Committee on Judiciary, on motion of Mr. BROWN of Hampden, laid on the table, and on his motion 350 copies ordered to be printed for the use of the Legislature.

CHARLES A. MILLER, *Clerk.*