

# MAINE STATE LEGISLATURE

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# DOCUMENTS

PUBLISHED BY ORDER OF

# THE LEGISLATURE

OF THE

STATE OF MAINE.

1865.

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AUGUSTA:

STEVENS & SAYWARD, PRINTERS TO THE STATE.

1865.

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# FORTY-FOURTH LEGISLATURE.

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HOUSE.

No. 18.

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## STATE OF MAINE.

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

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AN ACT giving further remedies against executors and administrators.

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

SECTION 1. In all cases which have arisen or may  
2 hereafter arise under the act approved April four,  
3 eighteen hundred and fifty-nine, authorizing judges of  
4 probate to appoint commissioners in certain cases, if  
5 a report has been or shall be made in favor of the  
6 claimant, and the amount awarded him remains unpaid  
7 for more than thirty days after the return of the report  
8 to the judge of probate, and no appeal has been taken,  
9 the claimant may file in the clerk's office of the su-  
10 preme judicial court for the same county, a certified

11 copy of the report, and apply in writing to any judge  
12 of the court for an order to the clerk to issue an exe-  
13 cution upon such report in favor of the claimant. Such  
14 judge may, in his discretion, require notice to be given  
15 of a summary hearing upon such application, and shall  
16 thereupon give an order for such execution, if no suf-  
17 ficient cause is shown to the contrary ; or he may give  
18 such order without a hearing. The application shall  
19 be entered by the clerk on the docket of the court if  
20 in session, otherwise on the docket of the preceding  
21 term. The fees of the clerk, to be paid by the claim-  
22 ant, shall be three dollars, and the claimant shall re-  
23 cover travel and attendance, and the expense of copies  
24 and services, as in suits at law. The execution shall  
25 be for the amount of the report, with interest from the  
26 date of its return to the judge of probate, together  
27 with such costs, if any, as may have been adjudged in  
28 the probate court, and the fees and costs provided by  
29 this act.

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

STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, }  
February 2, 1865. }

Reported in new draft by Mr. N. WEBB, from the Committee  
on the Judiciary.

HORACE STILSON, *Clerk.*