

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-SECOND LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1853.

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

Augusta:
WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1853.

PUBLIC LAWS
OF THE
STATE OF MAINE.
1853.

Chapter 12.

An act to amend section twenty-third of chapter ninety-fourth of the revised statutes.

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

SECT. 1. The twenty-third section of chapter ninety-four of the revised statutes of this state be and is hereby amended by striking out the words "but without interest or further cost," so that said section as amended, will read as follows:

Levy of executions.

SECT. 23. If after the execution is returned or recorded, it should appear to the creditor that the estate levied upon was not the property of the debtor, or not liable to be seized on execution, or that it cannot be held thereby, the creditor may sue out of the clerk's office of the courts from which the execution issued, a writ of scire facias to the debtor, requiring him to show cause why an alias execution should not be issued on the same judgment, and if the debtor, after having been duly summoned, shall not show sufficient cause to the contrary, the levy of the former execution may be set aside, and an alias execution shall be thereupon issued for the amount then due on the original judgment; but if it shall appear to the court that the creditor had no just cause for such suit, the debtor shall recover his costs.

Creditor may have scire facias, if title fail.

[Approved March 10, 1853.]

Chapter 13.

An act additional to chapter two hundred and seventy-fourth of the public laws, approved April twenty-third, eighteen hundred and fifty-two.

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

SECT. 1. Any incorporated horticultural or pomological society in this state may, whenever a majority of such society deem proper, elect one of their members to represent them in the board of agriculture, according to the provisions of chapter two hundred and seventy-fourth of the public laws establishing said board.

Board of agriculture.

—members, how chosen.

SECT. 2. This act shall take effect and be in force from and after its signature by the governor.

[Approved March 16, 1853.]