

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

FORTY-EIGHTH LEGISLATURE.

HOUSE.

No. 19.

STATE OF MAINE.

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

AN ACT to authorize writs of execution to be issued or renewed where the person who recovered judgment has deceased.

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

SECTION 1. Where a person who has recovered
2 judgment, dies, before a writ of execution has been
3 issued thereon, an execution may thereafter be issued ;
4 or where the creditor in any execution has deceased,
5 before it has been fully satisfied, it may be renewed,
6 by order, in vacation or term time, of any justice of
7 the court which rendered such judgment, or the judg-
8 ment on which such execution issued, upon the appli-
9 cation, in writing, of the executor or administrator,
10 general or special, of such deceased person ; and where

11 such judgment was rendered, or execution was issued,
12 by the judge of a municipal court, or by a trial justice
13 or justice of the peace, then the execution may be
14 issued, or the execution be renewed, by such judge or
15 justice, in like manner as before provided. But no
16 first execution shall issue, nor any execution be re-
17 newed, by virtue of this act, after the times respec-
18 tively within which it might be done, if the party had
19 not deceased. And any execution, issued or renewed,
20 by the authority of this act, may be renewed from
21 time to time as it might be if the party recovering
22 judgment were alive.

SECT. 2. Any execution issued originally, or by
2 renewal of a former execution, by virtue of the
3 authority conferred by this act, after reciting the judg-
4 ment, and that thereof execution remains to be done,
5 in whole or in part, as the case may be, shall, in
6 effect, set forth, that since the rendition of the judg-
7 ment, the said creditor, naming him, has deceased,
8 and that the person whose name is inserted in place of
9 the creditor, is the executor or administrator of his
10 estate. And the command to the officer shall be the
11 same as if the judgment had been recovered by the
12 administrator or executor; and he shall be seized of
13 and hold any real estate levied on to satisfy the exe-
14 cution, in the same manner, and to the same uses, he

15 would, if he, in his representative capacity, had recov-
16 ered judgment.

SECT. 3. This act shall be in force when approved.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
January 29, 1869. }

Reported from the Committee on Judiciary by Mr. HUBBARD,
and printed under the Joint Rule.

S. J. CHADBOURNE, *Clerk.*