

MAINE STATE LEGISLATURE

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FORTY-EIGHTH LEGISLATURE.

HOUSE.

No. 61.

STATE OF MAINE.

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

AN ACT to amend section forty-three of chapter seventy-six of the revised statutes, relating to the levy of executions against the estates of deceased persons.

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

SECTION 1. Section forty-three of the seventy-sixth
2 chapter of the revised statutes, is hereby amended, by
3 inserting after the word "lifetime," the following
4 words, to wit: "unless the estate of such deceased
5 person shall have been represented insolvent, and a
6 commission of insolvency issued thereon, before such
7 levy shall have been made," so that, as amended, the
8 first period of said section shall read :

9 *Sect. 43.* The real estate of a deceased person may
10 be taken for payment of his debts, by an execution
11 issued on a judgment recovered against his executor

12 or administrator, and levied on, sold and redeemed, as
13 if taken in his lifetime, unless the estate of such de-
14 ceased person shall have been represented insolvent,
15 and a commission of insolvency issued thereon before
16 such levy shall have been made.

SECT. 2. In all cases a commission of insolvency
2 issued by the probate court on the estate of deceased
3 persons before levy or satisfaction of execution shall
4 vacate attachments.

SECT. 3. All acts and parts of acts inconsistent
2 with this act are hereby repealed.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 20, 1869. }

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

S. J. CHADBOURNE, *Clerk.*