

MAINE STATE LEGISLATURE

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FIFTY-THIRD LEGISLATURE.

HOUSE.

No. 67.

STATE OF MAINE.

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

AN ACT to amend section forty-nine of chapter eighty of the revised statutes, relating to sheriffs, officers and constables.

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

SECTION 1. Section forty-nine of chapter eighty of 2 the revised statutes is hereby amended by inserting 3 after the words "qualified officer" in the fourth line 4 of said section the following words, "and if any officer 5 aforesaid has made, in fact, any service, attachment 6 or levy by virtue of any process placed in his hands 7 for service, and who by reason of death, disqualifica- 8 tion or other cause, has not made his return upon said 9 process, a return upon said process shall be made by 10 a sheriff, any deputy of his, or other proper officer, 11 under the direction of a judge of the supreme judicial

12 court holden in and for the county where said writ is
13 returnable, the facts to be set forth by said officer in said
14 return to be proven to the satisfaction of said judge,”
15 so that said section as amended shall read as follows :
17 *Sect. 49.* If any officer aforesaid, who has commenced
18 the service or execution of a precept, by death or
19 otherwise becomes disqualified to complete it, it may
20 be completed, with the same legal effect, by any other
21 qualified officer ; and if any officer aforesaid has made,
22 in fact, any service, attachment or levy, by virtue of
23 any process placed in his hands for service, and who
24 by reason of death, disqualification or other cause, has
25 not made his return upon said process, a return upon
26 said process shall be made by a sheriff, any deputy of
27 his, or other proper officer, under the direction of a
28 judge of the supreme judicial court holden in and for
29 the county where said writ is returnable, the facts to
30 be set forth by said officer in said return to be proven
31 to the satisfaction of said judge ; or if a deputy sheriff
32 dies after he has served and returned a precept, the
33 sheriff, if alive, and if not any deputy in commission
34 at the time of such service, may be allowed by the
35 court to amend such return the same as the officer
36 who made it might, but the rights of third parties
37 shall not be affected thereby.

SECT. 2. This act shall take effect when approved.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 18, 1874. }

Reported from the Committee on Legal Affairs, by Mr. POWERS, and ordered printed under the Joint Rule.

S. J. CHADBOURNE, *Clerk.*