

# MAINE STATE LEGISLATURE

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# FIFTY-FIFTH LEGISLATURE.

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HOUSE.

No. 95.

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## STATE OF MAINE.

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

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AN ACT authorizing assignees of judgments to bring  
scire facias.

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

SECTION 1. When a judgment has been assigned for  
2 a valuable consideration, and bona fide, in writing,  
3 and a levy of an execution, issued on such judgment,  
4 has been made, and the estate does not pass by the  
5 levy, and the creditor dies after the levy, the assignee  
6 may sue out of the office of the clerk issuing such  
7 execution, a writ of scire facias, setting forth the facts  
8 aforesaid therein, and requiring the debtor to show  
9 cause why another execution should not be issued on  
10 the same judgment, in the name and for the benefit of  
11 the plaintiff in the scire facias ; and if the debtor,

12 after being duly summoned, does not show sufficient  
13 cause why it should not be done, the levy may be set  
14 aside ; and the court from which said execution  
15 issued, shall have power to order and issue another  
16 execution on the same judgment, for the amount of  
17 the original debt and interest and costs, in the name  
18 and for the benefit of such plaintiff, and against such  
19 debtor and his property, in the usual form now estab-  
20 lished by law, with necessary charges.

SECT. 2. And in all cases where a judgment has  
2 been thus assigned and is not discharged, the assignee  
3 may bring an action of debt on such judgment in his  
4 own name ; and upon averment and proof of the facts  
5 aforesaid, the court may render judgment and execu-  
6 tion thereon in his favor ; subject, however, to any  
7 legal defence which the debtor might have if the ac-  
8 tion were instituted by the original creditor.

SECT. 3. This act shall take effect when approved.

STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES }  
February 10, 1876. }

Reported from the Committee on the Judiciary, by Mr. EAST-  
MAN of Saco, and ordered printed under the Joint Rule.

ORAMANDAL SMITH, *Clerk.*