

# MAINE STATE LEGISLATURE

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**PUBLIC ACTS**

OF THE

**STATE OF MAINE,**

PASSED BY THE

**THIRD LEGISLATURE,**

AT ITS SESSION, HELD IN JANUARY, 1823.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 20, 1820.

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**PORTLAND:**

BY TODD AND SMITH.....PRINTERS TO THE STATE:

1823.

LAW  
OF THE  
**STATE OF MAINE.**

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CHAPTER CCX.

AN ACT providing a method for doing justice, when through mistake, executions are levied upon real estate not belonging to the debtors.

*BE it enacted by the Senate and House of Representatives, in Legislature assembled, That whenever any execution has been, or may be extended and levied upon real estate, for the purpose of satisfying the same, and after such levy, it shall appear that the real estate thus levied upon, did not belong to the debtor, upon the application of such creditor to the Court from which such execution issued, said Court may order a writ of *scire facias* to issue against such debtor, requiring him to appear before said Court, and shew cause, if any he has, why an alias execution should not issue against him for debt and costs; and if such debtor, being duly summoned, shall neglect to appear, or appearing shall not shew sufficient cause, why an alias execution should not issue against him, the Court shall thereupon order an alias execution against such debtor, for the sum justly due and costs; and the doings, by virtue of the former execution, so far as relates to such levy upon real estate,*

Mistakes in levying executions may be corrected by *scire facias*.

Costs in such cases regulated.

shall be considered as void and of no effect in law; but if it shall appear to said Court, that the creditor had no just cause for such application, the debtor shall recover against the creditor double costs, and the Court shall award execution accordingly.

[*This Act passed January 10, 1823.*]

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## CHAPTER CCXI.

AN Additional ACT prescribing the mode of taking depositions.

Depositions in perpetuum may be used in certain cases.

*BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That whenever any deposition in perpetual remembrance of the thing, has been or may be taken, pending any civil cause in any Court, or before referees, and recorded as by law prescribed, the same, or a copy of the record thereof, may be admitted and used, in the trial of any action to which the same may relate, in any Court or before referees, in the same manner as if such deposition had been taken prior to the commencement of such action.

[*This Act passed January 13, 1823.*]

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## CHAPTER CCXII.

AN ACT concerning certain public offices of the State.

Certain offices to be kept at the seat of government.

*BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That from and after the first day of July next, the Secretary and Treasurer of State, and the Adjutant General, shall keep their respective offices and records, at the Seat of Government.

[*This Act passed January 15, 1823.*]