

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FORTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE.

1869.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 26, 1840, and March 16, 1842.

AUGUSTA:

SPRAGUE, OWEN & NASH, PRINTERS TO THE STATE.

1869.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1869.

SECT. 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

CHAP. 14.

SECT. 5. This act shall take effect when approved.

Approved February 6, 1869.

Chapter 14.

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 :

SECT. 1. Where a person who has recovered judgment dies before a writ of execution has been issued thereon, an execution may thereafter be issued, or where the creditor in any execution has deceased, before it has been fully satisfied, it may be renewed by order, in vacation or term time, of any justice of the court, which rendered such judgment, or, the judgment on which such execution issued, upon the application, in writing, of the executor or administrator, general or special, of such deceased person; and where such judgment was rendered or execution was issued by the judge of a municipal court, or by a trial justice or justice of the peace, then the execution may be issued, or the execution be renewed by such judge or justice, in like manner as before provided. But no first execution shall issue, nor any execution be renewed, by virtue of this act, after the times respectively within which it might be done, if the party had not deceased. And any execution issued or renewed by the authority of this act, may be renewed, from time to time, as it might be if the party recovering judgment were alive.

Writ of execution may be issued upon the application of the executor or administrator when the judgment creditor has deceased.

Execution may be renewed in like manner.

SECT. 2. Any execution issued originally, or, by renewal of a former execution, by virtue of the authority conferred by this act, after reciting the judgment, and that thereof execution remains to be done, in whole or in part as the case may be, shall in effect, set forth that since the rendition of the judgment the said creditor, naming him, has deceased, and that the person whose name is inserted in place of the creditor, is the executor or administrator of his estate, and the command to the officer shall be the same as if the judgment had been recovered by the administrator or executor, and he shall be seized of and hold any real estate levied on, to satisfy the execution, in the same manner and to the same uses he would if he in his representative capacity, had recovered judgment.

What the execution shall set forth.

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

Approved February 6, 1869.