

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-FIFTH LEGISLATURE

OF THE

STATE OF MAINE.

1876.

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

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1876.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1876.

CHAP 101.

Chapter 101.

An act to amend section five of chapter seventy-seven of the Revised Statutes, relating to Equity Powers.

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

Sec. 5, ch. 77, R. S., amended.

Section five of chapter seventy-seven of the revised statutes, is hereby amended by adding thereto the following specification :

Equity powers of S. J. court in certain cases.

' *Tenth.* In suits for the re-delivery of goods or chattels, taken or detained from the owner and secreted or withheld, so that the same cannot be replevied, and in bills in equity by a creditor or creditors, to reach and apply in payment of a debt, any property, right, title or interest, legal or equitable, of a debtor or debtors residing or found within this state, which cannot be come at to be attached on writ, or taken on execution in a suit at law against such debtor or debtors, and which is not exempt by law from such attachment and seizure.'

Approved February 18, 1876.

Chapter 102.

An act authorizing Assignees of Judgments to bring scire facias.

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

Assignees of judgments may sue out writ of scire facias if estate does not pass by levy.

SECT. 1. When a judgment has been assigned for a valuable consideration, and bona fide, in writing, and a levy of an execution, issued on such judgment has been made, and the estate does not pass by the levy, and the creditor dies after the levy, the assignee may sue out of the office of the clerk issuing such execution, a writ of scire facias, setting forth the facts aforesaid therein, and requiring the debtor to show cause why another execution should not be issued on the same judgment, in the name and for the benefit of the plaintiff in the scire facias; and if the debtor, after being duly summoned, does not show sufficient cause why it should not be done, the levy may be set aside; and the court from which said execution issued, shall have power to order and issue another execution on the same judgment, for the amount of the original debt and interest and costs, in the name and for the benefit of such plaintiff, and against such debtor and his property, in the usual form now established by law, with necessary charges.

Levy may be set aside.

Another execution may issue.

Assignee may bring action of debt.

SECT. 2. And in all cases where a judgment has been thus assigned and is not discharged, the assignee may bring an action of debt on such judgment in his own name; and upon averment