

# MAINE STATE LEGISLATURE

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DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

**A. D. 1834.**

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**FOURTEENTH LEGISLATURE.**

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**NO. 21.**

**HOUSE.**

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**STATE OF MAINE.**

**HOUSE OF REPRESENTATIVES, }  
February 8, 1834. }**

The Joint Standing Committee on the Judiciary to whom was referred an order instructing them "to inquire into the expediency of providing by law a method by which a creditor having attached a right in equity may ascertain the amount due thereon previous to the sale thereof," have had the same under consideration and ask leave to report a Bill which is herewith submitted.

**REUEL WASHBURN, *Per Order.***

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**STATE OF MAINE.**

IN THE YEAR OF OUR LORD, ONE THOUSAND EIGHT  
HUNDRED AND THIRTY FOUR.

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**AN ADDITIONAL ACT** respecting the attachment of property on mesne process and directing the issuing, extending and serving executions.

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**SECT. 1.** *Be it enacted by the Senate and*  
2 *House of Representatives in Legislature as-*  
3 *sembled,* That whenever a creditor shall have  
4 recovered judgment and execution against any  
5 debtor in this State and having caused to be  
6 attached on the original writ or to be taken on  
7 execution the right in equity of redeeming any  
8 real estate mortgaged, or of fulfilling the condi-  
9 tion of any bond as contemplated in the several  
10 acts to which this is additional, it shall be lawful  
11 for such creditor or his attorney to demand of  
12 the mortgagee or his assignee and the holder of  
13 such bond a disclosure in writing under his hand  
14 of the sum then due and secured by the real  
15 estate mortgaged as aforesaid and the condition  
16 of such bond and the amount of satisfaction  
17 which has been made towards the fulfilment  
18 thereof. And it shall be the duty of such mort-

19 gagee, assignee and holder of such bond to fur-  
20 nish such creditor or his attorney a statement in  
21 writing as aforesaid within twenty four hours  
22 after such demand, and he shall be answerable  
23 for all damages occasioned by any false statement  
24 by him wilfully made in relation to the subject  
25 of inquiry, to be recovered in a special action  
26 of the case in any court proper to try the same.

SECT. 2. *Be it further enacted,* That  
2 whenever any mortgagee, assignee, or holder of  
3 such bond, shall *unreasonably* neglect or refuse  
4 to furnish the statement required by the first  
5 section of this act, for more than twenty-four  
6 hours after demand made, the creditor or his  
7 attorney may make complaint thereof on oath  
8 to any two Justices of the Peace Quorun unus  
9 in the County where such mortgagee, assignee,  
10 or holder of such bond shall reside and the said  
11 Justices may thereupon proceed to take the  
12 deposition of such mortgagee, assignee, or hold-  
13 er of such bond in relation to the facts required  
14 to be given by him in the statement aforesaid,  
15 in perpetuam, and the said Justices in their pro-  
16 ceedings shall be governed by the several stat-  
17 utes which authorize and regulate the taking of  
18 depositions.

SECT. 3. *Be it further enacted,* That if  
 2 any person shall wilfully, falsely and corruptly  
 3 testify in making the disclosure required in this  
 4 act, or shall neglect to appear at the time and  
 5 place appointed for him to testify, or shall refuse  
 6 to testify, he shall be subject to all the forfeit-  
 7 ures, liabilities and penalties of witnesses for  
 8 like offences.

## STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }  
 February 10, 1884. }

ORDERED, That four hundred copies be printed for the use of  
 the Legislature.

[Extract from the Journal.]

Attest, ASAPH R. NICHOLS, *Clerk.*