

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1835.

AUGUSTA:
WILLIAM J. CONDON,.....PRINTER.

1835.

FIFTEENTH LEGISLATURE.

NO. 14.

HOUSE.

STATE OF MAINE.

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

AN ACT regulating attachments on Real Estate.

Be it enacted by the Senate and House of Representatives, in Legislature assembled, That
3 from and after the day of no
4 attachment on any Real Estate shall be valid,
5 unless the officer serving the writ or precept,
6 shall go to and come in contact with the Real
7 Estate to be attached, and make certificate of
8 such attachment on such writ or precept, par-
9 ticularly describing the same and the time at
10 which it was made, and shall deliver an attested
11 copy of said certificate to some one of the de-

12 fendants, if any one shall be resident in the
 13 County where the Real Estate is, within twelve
 14 days after said attachment shall have been made;
 15 or if neither of the defendants in said writ or
 16 precept shall live in said County, said officer
 17 shall inclose said attested copy in a letter direct-
 18 ed to some one of the defendants, and deposite
 19 the same in some Post Office in said County,
 20 within five days after said attachment.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED
 AND THIRTY-FIVE.

AN ACT additional to An Act respecting the
 attachment of Real Estate on Mense Process.

[NEW DRAFT.]

SECTION 1. *Be it enacted by the Senate and*
 2 *House of Representatives, in Legislature as-*
 3 *sembled,* That from and after the first day of
 4 May next, whenever the Real Estate of any
 5 person or persons in this State shall be attached
 6 on mesne process by virtue of any writ or pro-
 7 cess, the officer making service of any such writ
 8 or process shall have a true and attested copy of
 9 such writ or process, together with a true and

10 attested copy of his return thereon, at the dwell-
11 ling house of the town or plantation Clerk where
12 such Real Estate lies; and the attachment of
13 such Real Estate shall not be deemed and con-
14 sidered as made until such attested copies shall
15 have been left in manner as aforesaid: And in
16 case there be no town or plantation Clerk in
17 such town or plantation, then the officer making
18 such service shall within ten days next after ser-
19 vice of the writ or process is by him made, leave
20 a copy of such writ or process and return, as
21 before required, with the Clerk of the Court of
22 Common Pleas in the County where such Real
23 Estate lies. And in such case the attachment
24 shall not be considered as made, until such at-
25 tested copy shall have been left with the Clerk
26 in manner as aforesaid: *Provided, however,*
27 that the return of the officer shall always be
28 deemed and taken as sufficient evidence that such
29 attested copy as aforesaid has been left with the
30 town or plantation Clerk or Clerk of the Court
31 of Common Pleas, as in this act is required.

SEC. 2. *Be it further enacted,* That it shall
2 be the duty of such town or plantation Clerk or
3 Clerk of the Court of Common Pleas, to receive

4 such copies and to minute thereon the time when
 5 such copies are received, and to keep the same
 6 on file, for which service he shall be entitled to
 7 receive of such officer seventeen cents. And
 8 the officer making such attachment and such
 9 copies, shall be entitled to tax, in addition to his
 10 other fees, his travel from the place where the
 11 service is made to the office of such town or
 12 plantation Clerk or Clerk of the Court of Com-
 13 mon Pleas, and also for such copies.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
 February 5, 1835. }

Mr. CILLEY, from the Select Committee to whom was referred on the 29th ult. the Bill "regulating attachments on Real Estate," reported the same in a new draft, entitled "*An Act additional to an Act respecting the attachment of Real Estate on Mesne Process,*" and 500 copies of the new draft and of the original Bill were ordered to be printed for the use of the members.

[Extract from the Journal of the House.]

Attest: JAMES L. CHILD, Clerk.