

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1838.

EIGHTEENTH LEGISLATURE.

No. 17.

HOUSE.

STATE OF MAINE.

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

AN ACT entitled AN ACT concerning the attach-
ment of Real Estate.

SECT. 1. *Be it enacted by the Senate and House*
2 *of Representatives in Legislature assembled, That*
3 when the Real Estate of any person or persons,
4 or of any corporation, lying or being in any city,
5 town, plantation or unincorporated place in this
6 State, shall be attached on mesne process by vir-
7 tue of any writ or process, the officer making such
8 attachment shall leave a true and attested copy of
9 such writ or process, together with a true and at-
10 tested copy of his return thereon, at the office of the
11 city, town or plantation Clerk where such Real
12 Estate lies. And in case there be no Clerk in
13 such city, town or plantation, or in case the Real
14 Estate so attached shall be in an unincorporated

15 place, or in more than one city, town or plantation,
16 then the officer making such attachment shall leave
17 said copy of the writ, or process with his return
18 thereon as before required, with the Clerk of the
19 Courts for the county in which such Real Estate
20 lies, within fifteen days after such attachment.
21 And no attachment shall be deemed and considered
22 as creating any lien upon Real Estate, until such
23 attested copies as aforesaid shall have been left with
24 the Clerk in the manner prescribed in this Act.

SECT. 2. *Be it further enacted,* That the officer
2 making such attachment, and leaving such copies
3 shall be entitled to tax and receive, in addition to
4 his other fees, for copying the writ or process with
5 the return thereon as aforesaid, when there is but
6 one count in the writ or process, thirty-five cents,
7 and twelve cents for every additional count, and four
8 cents a mile for travel from his place of residence
9 to the place where said copies are left as afore-
10 said. Provided, however, that the return of the
11 officer shall always be deemed and taken as suffi-
12 cient evidence, that such attested copies as afore-
13 said, have been left with the city, town or planta-
14 tion Clerk, or the Clerk of the Courts as is in this
15 Act required.

SECT. 3. *Be it further enacted,* That it shall
2 be the duty of such city, town or plantation Clerk

3 or Clerk of the Courts aforesaid, to receive such
4 copies, and to minute on the same the time when
5 they are received, and to keep the same on file for
6 the inspection of those who may be interested, for
7 which services he shall be entitled to receive of
8 such officer seventeen cents, and the officer shall
9 be allowed to tax the same sum in his fees.

SECT. 4. *Be it further enacted*, That it shall be
2 necessary to the validity of the attachment made as
3 aforesaid, that the Plaintiff shall set out in his writ
4 specifically the demand or claim on which this ac-
5 tion may be founded, and that no claim shall be
6 proved under the general counts for money had and
7 received, money laid out and expended, or money
8 lent and accommodated, unless the same claims are
9 substantially set forth in other counts in the writ,
10 or process, or a specification of the claims intended
11 to be proved, shall be annexed to the writ, copied
12 and filed with the clerk as aforesaid: Provided it
13 shall not be necessary to file the items of a book
14 account.

STATE OF MAINE.



HOUSE OF REPRESENTATIVES, }
Feb. 22, 1838. }

This Bill was read once, and laid on the table, and three hundred copies ordered to be printed.

[Extract from Journal.]

GEO. C. GETCHELL, Clerk.