

# MAINE STATE LEGISLATURE

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DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

**A. D. 1838.**

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# EIGHTEENTH LEGISLATURE.

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**NO. 7.**

**SENATE.**

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## STATE OF MAINE.

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

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**AN ACT** additional to "An Act respecting Mortgages and the Rights in Equity of Redemption.

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**SECTION 1.** *Be it enacted by the Senate  
2 and House of Representatives, in Legislature  
3 assembled, That, in all cases of Mortgages of  
4 real estate, in addition to the modes now pro-  
5 vided by law for foreclosing the same, the mort-  
6 gagee or his assigns may give public notice, in  
7 some newspaper printed in the county, where  
8 said real estate is situated, of his claim by mort-  
9 gage to such real estate, and that the condition  
10 in the same has been broken, by reason whereof*

11 he claims to foreclose such mortgage, which  
12 notice shall be published three weeks successively  
13 in such newspaper; or such mortgagee or his  
14 assigns may cause a notice of such claim to  
15 foreclose to be served on the mortgagor or his  
16 assigns, by having an attested copy of such notice  
17 delivered to him in hand by the Sheriff or his  
18 Deputy, or any Constable of the town, where  
19 the mortgagor or his assigns may live; and said  
20 publication, or notice and service thereof, shall  
21 be considered as equivalent to, and as having all  
22 the effects of, an open and peaceable entry for  
23 the purpose of foreclosing.

SECT. 2. *Be it further enacted,* That a  
2 copy of such public notice, and the name and  
3 date of the newspaper, in which the last publi-  
4 cation is had, or the original notice and the  
5 officer's return thereon, shall be recorded in the  
6 Registry of Deeds, where the mortgage is  
7 recorded, within thirty days after the last pub-  
8 lication of the notice, or the service of said  
9 notice, on the mortgagor or his assigns; and,  
10 if not so recorded, the same shall be of no  
11 avail for the purpose of foreclosing.



**STATE OF MAINE.**

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IN SENATE, February 22, 1838.

THIS Bill was read once and tomorrow, ten o'clock, assigned for a second reading, and,

ORDERED, That five hundred copies of said Bill be printed for the use of the Legislature.

[Extract from the Journal.]

ATTEST:           WILLIAM TRAFTON, *Secretary.*