

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. 12.

SENATE.

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.

SECTION 1. *Be it enacted by the Senate
2 and House of Representatives, in Legislature
3 assembled, That* when the real estate of any
4 person or persons or of any corporation, lying or
5 being in any city, town, plantation or unincor-
6 porated place in this State shall be attached on
7 mesne process by virtue of any writ or process,
8 the officer making such attachment shall leave a
9 true and attested copy of such writ or process,
10 together with a true and attested copy of his
11 return thereon, at the office of the city, town or
12 plantation clerk where such real estate lies;—

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

SECT. 2. *Be it further enacted,* That the
2 officer making such attachment and leaving such
3 copies, shall be entitled to tax and receive, in
4 addition to his other fees, for copying the writ
5 or process with the return thereon as aforesaid
6 when there is but one count in the writ or pro-
7 cess thirty-five cents, and twelve cents for every
8 additional count, and four cents a mile for travel
9 from his place of residence to the place where
10 said copies are left as aforesaid. *Provided,*
11 *however,* That the return of the officer shall

12 always be deemed and taken as sufficient evi-
13 dence that such attested copies as aforesaid have
14 been left with the city, town or plantation clerk
15 or the Clerk of the Courts as is in this Act
16 required.

SECT. 3. *Be it further enacted,* That it
2 shall be the duty of such city, town or plantation
3 clerk or Clerk of the Courts aforesaid to receive
4 such copies and to minute on the same the time
5 when they are received and to keep the same
6 on file for the inspection of those who may be
7 interested, for which services he shall be entitled
8 to receive of such officer seventeen cents, and
9 the officer shall be allowed to tax the same sum
10 in his fees.

SECT. 4. *Be it further enacted,* That it
2 shall be necessary to the validity of the attach-
3 ment made as aforesaid, that the plaintiff shall
4 set out in this writ specifically the demand or
5 claim on which his action may be founded, and
6 that no claim shall be proved under the general
7 counts for money had and received, money laid
8 out and expended, or money lent and accommo-
9 dated, unless the same claims are substantially
10 set forth in other counts in the writ or process,

REAL ESTATE.

11 or a specification of the claims intended to be
12 proved shall be annexed to the writ copied and
13 filed with the clerk as aforesaid. *Provided*, it
14 shall not be necessary to file the items of a book
15 account.

HOUSE OF REPRESENTATIVES, }
March 6, 1838. }

THIS Bill having had three several readings passed to
be engrossed as amended on sheet annexed marked A.

Sent up for concurrence.

E. H. ALLEN, Speaker.

A.

Insert after words “estate lies,” in 12th [12] line of Sect. 1st, the words “within six days.”

Strike out, in the 1st Sect. 22d [23] line after the words “real estate,” the word “until” and insert the word “unless.”

Strike out the words “Clerk of the Courts” in the 18th [19] line of 1st Sect, in 14th [15] line of 2d Sect., and 3d [3] line of 3d Sect. and insert “Register of Deeds” in each line and Sect.

Strike out “Clerk” in 24th [25] line of 1st Sect. and insert “Clerk.”

Strike out in 4th [4] line of Sect. 4, the word “this,” and insert “his.”

STATE OF MAINE.

IN SENATE, March 7, 1838.

THIS Bill was read once, the amendments of the House adopted, and

ORDERED, That three hundred copies of the Bill, as amended, be printed for the use of the Senate.

[Extract from the Journal.]

ATTEST : WILLIAM TRAFTON, *Secretary*.