

# MAINE STATE LEGISLATURE

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*Charles F. Rice*

DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1840.

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AUGUSTA:

WM. R. SMITH & CO., PRINTERS TO THE STATE.

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1840.

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**TWENTIETH LEGISLATURE.**

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**NO. 26.**

**HOUSE.**

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**A N A C T**

**TO REGULATE**

**A T T A C H M E N T**

**ON**

**M E S N E P R O C E S S .**

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[WM. R. SMITH & Co.....Printers to the State.]



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# STATE OF MAINE.

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

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## AN ACT to regulate attachment on Mesne Process.

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SECT. 1. *Be it enacted by the Senate and*  
2 *House of Representatives in Legislature as-*  
3 *sembled,* That when an attachment on mesne  
4 process hereafter shall be made on the real or  
5 personal estate of any person or persons, the  
6 officer making the same, shall give notice, that  
7 he has made such an attachment and has or  
8 will summon the debtor or debtors to attend the  
9 court before which such process is returnable,  
10 and that all the creditors of said debtor or  
11 debtors may come in, and enter in said Court,  
12 his, her or their claim or claims, demand or  
13 demands against said debtor or debtors by filing  
14 in the office of the Clerk of said Court a con-

15 cise, detailed statement of his, her, or their  
16 claim or claims, which claim or claims, demand  
17 or demands, shall be heard and tried by said  
18 Court, in the same manner and form as actions  
19 are usually heard and tried in said Court, and  
20 the defendant or defendants shall be held to  
21 answer in the same manner as if he, she or they  
22 had been summoned in by virtue of a writ, with  
23 the officer's return to that effect thereon. And  
24 said Court shall proceed thereon unto final  
25 judgment and execution, unless the same shall  
26 be otherwise disposed of by consent of parties,  
27 subject to the legal cost in such cases.

SECT. 2. *Be it further enacted,* That the  
2 officer who shall make an attachment as afore-  
3 said, shall give said notice in a newspaper pub-  
4 lished in the County where such debtor or debt-  
5 ors resides or is declared in said writ to be of at  
6 least thirty days before the return day of said  
7 writ, provided there is a newspaper published  
8 in such County, if not, said notice shall be pub-  
9 lished in the State paper, and the officer is  
10 hereby required to set forth the fact fully in his  
11 return.

SECT. 3. *Be it further enacted,* That the  
2 estate, personal or real, so attached, shall be  
3 sold by virtue of the execution or executions  
4 obtained upon the suit or suits entered and tried  
5 as aforesaid, and the proceeds divided after  
6 deducting the cost of Court and officer's fees,  
7 equally among the creditors in proportion to the  
8 amount of their several judgments, the officer  
9 shall not be allowed to tax travel on more than  
10 one execution.

SECT. 4. *Be it further enacted,* That all  
2 Acts and parts of Acts inconsistent with the  
3 provisions of this Act, be and the same are  
4 hereby repealed.

# STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, }  
*March 2, 1840.* }

This Bill having had two several readings, was laid on the table, and three hundred copies ordered to be printed for the use of the Legislature.

[Extract from the Journal.]

ELBRIDGE GERRY, *Clerk.*