

MAINE STATE LEGISLATURE

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FIFTY-NINTH LEGISLATURE.

HOUSE.

No. 128.

STATE OF MAINE.

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

AN ACT relating to seizures on execution.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

SECTION 1. Section fifty-six of chapter eighty-
2 one of the revised statutes is hereby amended by
3 inserting after the word "defendant," in the thir-
4 teenth line, the following words "no seizure on exe-
5 cution of real estate where there is no subsisting
6 attachment thereof made in the suit in which such
7 execution issues shall create any lien on such real
8 estate, unless the officer making it within five days
9 thereafter filed in the office of the register of deeds
10 in the county or district in which all or any part of
11 said estate is situated, an attested copy of so much
12 of his return on said execution as relates to the

13 seizure, with the names of the parties, the date of
14 the execution, the amount of the debt and costs
15 named therein, and the court by which it was
16 issued. If the copy is not so filed the seizure shall
17 take effect from the time it is filed,” so that said
18 section as amended shall read as follows:

19 *Sect. 56.* No attachment of real estate on mesne
20 process shall create any lien thereon, unless the
21 nature and amount of plaintiff’s demand is set
22 forth in proper counts, or a specification thereof is
23 annexed to the writ, nor unless the officer making
24 it within five days thereafter files in the office of
25 register of deeds in the county or district in which
26 all or any part of said real estate is situated, an
27 attested copy of so much of his return on the writ,
28 as relates to the attachment, with the value of the
29 defendant’s property which he is thereby com-
30 manded to attach, the names of the parties, the
31 date of the writ, and the court to which it is re-
32 turnable. If the copy is not so filed within five
33 days, the attachment shall take effect from the time
34 it is filed if before the entry of the action, although
35 it is after service on the defendant. No seizure
36 on execution of real estate where there is no sub-
37 sisting attachment thereof made in the suit in
38 which such execution issues, shall create any lien

39 on such real estate, unless the officer making it
40 within five days thereafter files in the office of the
41 register of deeds in the county or district in which
42 all or any part of said estate is situated, an attested
43 copy of so much of his return on said execution as
44 relates to the seizure, with the names of the par-
45 ties, the date of the execution, the amount of the
46 debt and costs named therein, and the count by
47 which it was issued. If the copy is not so filed the
48 seizure shall take effect from the time it is filed.
49 And such proceedings shall be had in such office,
50 by the register of deeds, as are prescribed in the
51 chapter respecting the registry of deeds.

SECT. 2. Section sixteen of chapter seven of the
2 revised statutes is hereby amended by inserting
3 after the word "of," in the first line, the words
4 "seizures on executions and," so that said section
5 as amended shall as follows:

6 *Sect. 16.* Every register shall receive all copies
7 of seizures on execution, and special attachment
8 made and attested by any officer, of real property
9 situate in the county or district of which he is reg-
10 ister; minute on them the time when they are
11 received; keep them on file for inspection of par-
12 ties interested, and enter them in a book kept for
13 that purpose.

SECT. 3. Section one of chapter one hundred and
2 twenty-eight of the public laws of eighteen hun-
3 dred and seventy-three is hereby amended by
4 inserting after the word "attachments," in the sec-
5 ond line thereof, the words "and seizures," so that
6 said section as amended shall read as follows:

7 *Sect. 1.* All recorded deeds shall take prece-
8 dence over unrecorded attachments and seizures,
9 and so much of section fifty-six chapter eighty-one
10 of the revised statutes as is repugnant to this act
11 is hereby repealed.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
March 16, 1880. }

Reported by Mr PARTRIDGE from the Committee on Legal
Affairs. Ordered printed under rule.

ORAMANDAL SMITH, *Clerk.*