

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

FOURTEENTH LEGISLATURE,

At its Session, held in January, 1834.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 28, 1820.

AUGUSTA :

I. BERRY & CO., PRINTERS TO THE STATE.

1834.

Chapter 126.

AN ADDITIONAL ACT respecting the Attachment of Property on Mesne Process, and directing the issuing, extending and serving Executions.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That whenever a creditor shall have recovered judgment and execution against any debtor in this State and having caused to be attached on the original writ or to be taken on execution the right in equity of redeeming any real estate mortgaged, or of fulfilling the condition of any bond as contemplated in the several Acts to which this is additional, it shall be lawful for such creditor or his attorney to demand of the mortgagee or his assignee and the holder of such bond or obligor thereof, a disclosure in writing under his hand of the sum then due and secured by the real estate mortgaged as aforesaid and the condition of such bond and the amount of satisfaction which has been made towards the fulfillment thereof. And it shall be the duty of such mortgagee, assignee and holder of such bond to furnish such creditor or his attorney a statement in writing as aforesaid within twenty four hours after such demand; and he shall be answerable for all damages occasioned by his neglect to furnish such statement or for any false statement by him wilfully made in relation to the subject of inquiry, to be recovered in a special action of the case in any court proper to try the same.

When right in equity is attached, creditor may demand of mortgagee disclosure in writing of the sum secured and condition of mortgage.
Ch. 60, vol. 1, p. 268—vol. 3, ch. 431, p. 274.

Mortgagee to furnish such statement.

Answerable for damages in case of neglect—how recovered.

SECT. 2. *Be it further enacted,* That whenever any mortgagee, assignee, or holder of such bond or obligor thereof shall unreasonably neglect or refuse to furnish the statement required by the first section of this Act, for more than twenty four hours after demand made, the creditor or his attorney may make complaint thereof on oath to any two justices of the peace quorum unus in the county where such mortgagee, assignee or holder of such bond shall reside

Proceedings in case of neglect or refusal.

Vol. 1, chap. 85,
p. 388.

and the said justices may thereupon proceed to take the deposition of such mortgagee, assignee, or holder of such bond or obligor thereof in relation to the facts required to be given by him in the statement aforesaid, in perpetuum, and the said justices in their proceedings shall be governed by the several statutes which authorize and regulate the taking of depositions.

Penalty for refusing to testify or testifying falsely.

SECT. 2. *Be it further enacted*, That if any person shall wilfully, falsely and corruptly testify in making the disclosure required in this Act, or shall neglect to appear at the time and place appointed for him to testify, or shall refuse to testify, he shall be subject to all the forfeitures, liabilities and penalties of witnesses for like offences.

[Approved by the Governor, March 11, 1834.]

Chapter 127.

AN ACT to prevent obstructions to the navigation in Kennebec River.

Penalty for throwing rubbish into Kennebec river.

Be it enacted by the Senate and House of Representatives, in Legislature assembled, That if any person or persons shall cast or throw into the Kennebec river between the Kennebec bridge at Augusta and the village in Gardiner, any chips, slabs, saw dust, or any other rubbish, whereby the navigation of said river shall be impeded or injuriously affected; or if any person or persons having a charge of or being employed in any mill, factory or any machinery connected therewith shall cause or suffer to be deposited in said river any chips, slabs, saw dust or any other rubbish made and collected by the operation of such mill factory or machinery to the injury of any citizen of this State, he or they shall forfeit and pay for each offence, a sum not exceeding twenty dollars, nor less than five dollars to

How recovered.

any person who may sue for the same; and shall