

Bill accompanying the petition of Coleman Silbert relative to attachments on mortgaged property. Joint Judiciary. January 22.

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## The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Twenty.

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### AN ACT

Relative to Attachments on Mortgaged Property.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Section seventy of chapter one hundred and sixty-  
2 seven of the Revised Laws is hereby amended by adding,  
3 at the end of the section the following words:— Such  
4 damages shall not include the face of the mortgage but  
5 only the sum which is actually due, but not exceeding in  
6 any event the value of the property attached, — so as to  
7 read as follows:— *Section 70.* The mortgagee, pledgee or  
8 holder shall, when demanding payment of the money due  
9 to him, state in writing a just and true account of the  
10 debt or demand for which the property is liable to him  
11 and deliver it to the attaching creditor or officer. If the  
12 same is not paid or tendered to him within ten days  
13 thereafter, the attachment shall be dissolved, the property  
14 shall be restored to him and the attaching creditor shall  
15 be liable to him for any damages he has sustained by the  
16 attachment. Such damages shall not include the face of  
17 the mortgage but only the sum which is actually due, but  
18 not exceeding in any event the value of the property  
19 attached.





