

# MAINE STATE LEGISLATURE

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EIGHTY-SECOND LEGISLATURE

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H. P. No. 1106

H. D. No. 337

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House of Representatives, March 10, 1925.

Referred to Committee on Legal Affairs and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Bartlett of Bangor.

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STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND TWENTY-FIVE

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AN ACT Relating to Actions Against Bankrupts.

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Be it enacted by the People of the State of Maine, as follows:

Chapter eighty-seven, section seventy-two of the revised  
2 statutes is hereby amended by adding to said section the  
3 following, to wit: 'Provided that whenever a plaintiff would  
4 be entitled to a judgment on such debt against such defend-  
5 ant, except for said bankruptcy or insolvency of such de-  
6 fendant who has given a bond to vacate an attachment in  
7 said action, as provided by chapter eighty-six, sections sev-  
8 enty-three, seventy-six, seventy-seven and seventy-nine, the  
9 court may, at any time, upon motion made by the plaintiff,  
10 enter a special judgment for the plaintiff which shall be a  
11 sufficient judgment, within the meaning of said chapter

12 eighty-six, sections seventy-three, seventy-six, seventy-seven  
13 and seventy-nine, to enable the said plaintiff to maintain an  
14 action on said bond against the sureties thereon,' so that  
15 said section, as amended, shall read as follows:

'Sect. 72. OTHER ACTIONS AGAINST BANK-  
2 RUPTS, OR INSOLVENTS, PROCEDURE, R. S., c. 84,  
3 Section 68. All other actions for recovery of a debt prov-  
4 able in bankruptcy or insolvency, when it appears that any  
5 defendant therein has filed his petition in bankruptcy or  
6 insolvency, or has been adjudged a bankrupt or an insol-  
7 vent, on petition of his creditors before or after the com-  
8 mencement of the suit, shall be continued until the bank-  
9 rupt or insolvent proceedings are closed, unless the plain-  
10 tiff strikes such defendant's name from the suit, which he  
11 may do without costs; but when such defendant does not  
12 use diligence in the prosecution of his bankrupt or insol-  
13 vent proceedings, after one term's notice to him, in writing,  
14 from the plaintiff, the court may refuse further delay. Pro-  
15 vided that whenever a plaintiff would be entitled to a judg-  
16 ment on such debt against such defendant, except for said  
17 bankruptcy or insolvency of such defendant who has given  
18 a bond to vacate an attachment in said action, as provided  
19 by chapter eighty-six, sections seventy-three, seventy-six,  
20 seventy-seven and seventy-nine, the court may, at any time,  
21 upon motion made by the plaintiff, enter a special judgment  
22 for the plaintiff which shall be a sufficient judgment, within  
23 the meaning of said chapter eighty-six, sections seventy-

24 three, seventy-six, seventy-seven and seventy-nine, to en-  
25 able the said plaintiff to maintain an action on said bond  
26 against the sureties thereon.'