

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

OF THE

## SIXTY-EIGHTH LEGISLATURE

OF THE

## STATE OF MAINE

1897

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
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PUBLIC LAWS  
OF THE  
STATE OF MAINE.

1897.

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**Chapter 281.**

An Act to amend Sections three and eight of Chapter eighty-six and Section seventeen of Chapter eighty-one, Revised Statutes, relating to the service of Trustee Writs.

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

Sect. 1. Section three of chapter eighty-six of the revised statutes is hereby repealed and the following enacted in lieu thereof:

Section 3, chapter 86, R. S., repealed.

'Sect. 3. The officer serving it shall attach the goods and estate of the principal and give to him in hand or leave at his last and usual place of abode a summons of the form hereinafter prescribed; which is sufficient service on the principal whether any trustee is held or not. The summons shall be in substance as follows:

Service of writs.

--form of summons.

STATE OF MAINE.

.....ss. To.....

Greeting:

We command you that you appear at our..... court, next to be holden at.....within and for the county of.....aforesaid, on the.....day of .....next, then and there to answer to..... in a plea of.....which plea the said plaintiff has commenced, to be heard and tried at said court and your goods or estate are attached to the value of.....dollars for security to satisfy the judgment which the said plaintiff may recover upon said trial. Fail not of appearance at your peril.

And to....., trustee of said..... We command you to appear before our said court to be holden as aforesaid, to show cause if any you have, why execution to be issued upon such judgment as the said plaintiff may recover against the said principal defendant in said action, if any, should not issue against his goods, effects or credits in your hands or possession as trustee of said principal defendant.

Witness.....Justice of our said court at..... this.....day of.....in the year of our Lord one thousand.....

.....Clerk.'

Sect. 2. Section eight of said chapter is hereby amended by inserting in the fifth line thereof, after the word "corporations" the words 'except that the service shall be by the sum-

Section 8, amended.

CHAP. 281 mons described in section three of this chapter,' so that said section eight, as amended, shall read as follows:

Domestic corporations and foreign companies doing business in the state, may be summoned as trustees.

'Sect. 8. All domestic corporations and all foreign or alien companies or corporations established by the laws of any other state or country, and having a place of business, or doing business within this state may be summoned as trustee, and trustee writs may be served on them as other writs are served on such companies or corporations, except that the service shall be by the summons described in section three of this chapter, and they may answer by attorney or agent, and make disclosures, which shall be signed and sworn to by such attorney or agent or such other person upon whom legal service of the writ may be made; and the same proceedings shall thereupon be had throughout except necessary changes in form, as in other cases of foreign attachment.'

--may answer by attorney or agent and disclose.

Section 17, chapter 81, amended.

Sect. 3. Section seventeen of chapter eighty-one of revised statutes is hereby amended by striking out of the second line thereof the words "except in trustee process" so that said section seventeen, as amended, shall read as follows:

Summons shall be left in case of attachment.

'Sect. 17. When goods or estate are attached on either of said writs, a separate summons in form by law prescribed shall be delivered to the defendant or left at his dwelling house or place of last and usual abode, fourteen days before the sitting of the court to which it is returnable, which is a sufficient service.'

Approved March 25, 1897.