

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED APRIL 17, 1857;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

UNITED STATES AND OF THE STATE OF MAINE:

WITH AN

APPENDIX.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE.

BANGOR:
WHEELER & LYNDE.

1857.

any balance remaining after settlement, within one year after date of the bond, unless a longer time is allowed by the judge.

SEC. 3. The judge has the same authority to cite the principal in such bond, and to adjudicate upon his accounts, and the parties interested have the like remedies on his bond, as if he were an administrator.

SEC. 4. If the survivor, on being cited, does not give the bond required, the executor or administrator of the deceased is to give such bond, with the necessary variations, as is required in the second section, and take possession of the property. He may use the name of the survivor to collect the debts.

SEC. 5. Surviving partners are to exhibit to executors or administrators of deceased partners, for appraisal, all partnership property existing at the time of their decease; and if they administer, deliver it to them, with all books, notes, documents, and papers pertaining thereto, and afford them all reasonable information and facilities for the execution of their trust. If they neglect to do so, the judge, after citing them to show cause, may enforce obedience by committing them to the county jail until they comply, or are released by the executors or administrators, or by order of the supreme judicial court.

CHAP. 69.

Judge has same power, those interested same remedies, &c.

R. S., c. 107, § 29.

If survivor does not give bond, administrator to do it, and administrator.

R. S., c. 107, § 30, 31.

Survivors to deliver property, &c.; judge may enforce it.

36 Maine, 340. R. S., c. 107, § 32, 33.

CHAPTER 70.

ASSIGNMENTS FOR THE BENEFIT OF CREDITORS.

- SEC. 1. An assignment, however made, shall effectuate an equal distribution of all the assignor's estate. What it shall be construed to include.
2. Assignor to make oath to same, and may insert a release.
 3. Assignee to give bond. Conditions thereof.
 4. Copy of assignment to be filed in probate office in ten days, notice published in fourteen days, and three months allowed for creditors to become parties.
 5. No assignment valid without oath and notice, or filing and approval of bond in twenty days.
 6. Creditors to prove claims same as before commissioners of insolvency, and same right of appeal. Remedy on assignee's bond.
 7. Assigned property not liable to attachment or trustee process for six months. After eighteen months, assignee may be trustee for excess.
 8. Compensation of judge, register, and assignee, how determined.

SEC. 1. Every assignment, made by any debtor for the benefit of creditors, shall provide for a proportional distribution of all his real and personal estate, except what is by law exempt from attachment, among all his creditors becoming parties thereto; and, in whatever form made, or however expressed, shall have the effect aforesaid, and be also construed to pass all such estate, whether specified therein or not.

Assignments to effectuate equal distribution of assignor's estate.

1844, c. 112, § 1, 2.

SEC. 2. The assignor shall make oath to the truth of such assignment, and a certificate of the fact shall be made thereon by the magistrate administering it; and a release may be inserted therein, which shall forever discharge the assignor from the claims of such creditors as become parties thereto.

Assignor to make oath to same, &c.

1844, c. 112, § 1.

CHAP. 70.

Assignee to give bond.
Conditions.
1849, c. 113, § 1.

SEC. 3. The assignee named in such assignment, before entering upon his duties, shall give bond, with sufficient sureties living in the county, to the judge of probate in such sum as he orders, conditioned as follows:

First.—To make and return into the probate office within ten days after the time allowed for creditors to become parties to such assignment, a true inventory, on oath, of all the real estate, goods, chattels, rights and credits, of the assignor, which have come to his possession or knowledge, whether contained in the assignment or not, and the names of all the creditors who have become parties thereto, with a list of their respective claims.

Second.—To make proportional distribution of all the net proceeds of such estate, among such creditors as become parties to the assignment.

Third.—To render a true account of his doings, on oath, to the judge of probate within six months, and at any other time when cited by the judge.

Copy of assignment to be filed in probate office.

1844, c. 112, § 2, 3.
1849, c. 113, § 1, 4.

SEC. 4. Within ten days after the execution of such assignment, the assignee shall file an attested copy thereof in the probate office; within fourteen days, he shall publish notice thereof three weeks successively, in some newspaper, if any, printed in the county where either assignor lives, if not, in the state paper; and three months from the execution of such assignment shall be allowed to creditors to become parties thereto.

No assignment valid without oath and notice, &c.

1844, c. 112, § 2.
1849, c. 113, § 1.

SEC. 5. No such assignment shall be valid against attaching creditors, unless sworn to and notice given as aforesaid; nor unless such bond is filed and approved by the judge of probate within twenty days after the execution thereof.

Creditors to prove claims as before commissioners of insolvency, &c.

1849, c. 113, § 2.

SEC. 6. Creditors becoming parties to the assignment, and presenting their claims to the assignee for allowance, shall offer the same proof thereof, and, if dissatisfied with his decision, have the same right of appeal, and the same remedy, that is provided in relation to claims presented to commissioners on insolvent estates; and shall also have the same remedy on the assignee's bond that is provided in relation to an administrator's bond.

Assigned property not liable to attachment or trustee process for six months, &c.

1844, c. 112, § 4.
1849, c. 112, and 113, § 5.

SEC. 7. No property, assigned for the benefit of creditors, shall be liable to attachment for six months after the first publication of the notice herein required, nor shall the assignee during that time be liable to the trustee process on account thereof; but after the lapse of eighteen months from the assignment, or two years, to which the probate court for satisfactory reasons may extend the time, any creditor, not a party to the assignment, may trustee the assignee for any excess of such estate after the payment of the debts of the parties thereto and lawful expenses; and if such suit is instituted before the expiration of said terms, it may be continued till after their expiration, on such conditions as the court directs.

Compensation of judge, register, and assignee, how determined.

1849, c. 113, § 3.

SEC. 8. The assignee, judge, and register of probate, shall be allowed a reasonable compensation for all their services under this chapter, to be paid out of the estate, and determined by the judge, subject to the right of appeal to the supreme court of probate, as from his decisions in other cases.