

MAINE STATE LEGISLATURE

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FIFTY-FIFTH LEGISLATURE.

HOUSE.

No. 62.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
SEVENTY-SIX.

AN ACT additional to chapter seventy of the revised statutes, relating to assignments for the benefit of creditors.

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

SECTION 1. The judge of probate within the county
2 in which the assignor resides, shall have the same
3 power and jurisdiction over the doings and accounts
4 rendered of the assignee, that he has over the doings
5 and accounts of executors and administrators.

SECT. 2. The judge of probate, upon application by
2 the assignee or any creditor who becomes a party to the
3 assignment, may cite the assignor to appear before
4 him, for an examination on oath upon all matters re-
5 lating to the disposal or condition of his property, to
6 his dealings with others, to his accounts concerning the

7 same, to his liabilities and the consideration therefor,
8 and to all other matters pertaining to his property and
9 estate, and may require him to produce for the inspec-
10 tion of the court and parties, all books, papers or other
11 documents within his control relating to his business
12 affairs. .

SECT. 3. The judge of probate may in like manner
2 cite before him, for examination on oath, any person
3 suspected of having concealed, withheld, embezzled or
4 conveyed away, any goods, effects or credits of the
5 assignor, or which passed or ought to have passed by
6 the assignment, or of aiding others in so doing, and
7 may require such suspected person to produce, for the
8 inspection of the parties, all books, papers, or other
9 documents within his control, relating to the matter
10 under examination.

SECT. 4. If any person duly cited as aforesaid re-
2 fuses to appear and submit himself to such examina-
3 tion, or to answer all lawful interrogatories, or to pro-
4 duce such books, papers or documents, the judge shall
5 commit him to the jail of the county, there to remain
6 until he submits to the order of the court, or is dis-
7 charged by the applicant or the supreme judicial court;
8 and he shall also be liable to any injured party in an
9 action on the case for all the damages, expenses and
10 charges arising from such refusal.

SECT. 5. If the assignor shall have fraudulently conveyed or transferred any of his property in contemplation of the assignment, or to defraud his creditors, or shall have fraudulently concealed, withheld or kept from his assignee any property which said assignee may be entitled to hold under the assignment, said assignor shall forfeit all rights under any release in said assignment.

SECT. 6. This act shall take effect when approved.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 3, 1876. }

Reported from the Committee on Legal Affairs by Mr. STONE
of Biddeford, and ordered printed under the Joint Rule.

ORAMANDAL SMITH, *Clerk.*