

# MAINE STATE LEGISLATURE

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# FIFTY-EIGHTH LEGISLATURE.

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HOUSE.

No. 26.

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## STATE OF MAINE.

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

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AN ACT to amend chapter sixty-seven of the public laws of eighteen hundred and seventy-eight.

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

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SECTION 1. Section ten of chapter sixty-seven of  
2 the public laws of eighteen hundred and seventy-  
3 eight, is hereby amended, so as to read as follows:  
4 *Sect. 10.* If there shall satisfactorily appear to  
5 said commissioner reasonable cause to believe that  
6 any other person holds any property or credits  
7 of the debtor in trust for him, or in fraud of his  
8 creditors, or if the petitioner shall make oath that  
9 he believes that such other person so holds property  
10 of the debtor, the commissioner shall issue a simi-  
11 lar subpcena to such person to appear and testify

12 in relation thereto; such subpœna to be served as  
13 subpœnas in civil suits. The testimony of such  
14 witness may be reduced to writing and signed by  
15 him. And if it shall satisfactorily appear to the  
16 commissioner, from all the evidence in the case,  
17 that such person so holds property or credits of the  
18 debtor, he shall so certify upon the execution; and  
19 the creditor shall have a lien upon said property or  
20 credits for thirty days succeeding such disclosure,  
21 to be enforced by bill in equity or trustee process;  
22 and if upon such bill in equity or trustee process,  
23 the court find such property or credits so held as  
24 aforesaid, it may order such property or credits, or  
25 so much of them as may be necessary to satisfy  
26 the judgment and all costs, to be conveyed, trans-  
27 ferred or assigned to the creditor; and if the par-  
28 ties cannot agree upon the value of such property  
29 or credits, they shall be assigned to the creditor, if  
30 he shall give such trustee a bond with sufficient  
31 surety, accepted by the court, to account for and  
32 pay over to said trustee, the surplus of the pro-  
33 ceeds of such property or credits, after satisfying  
34 said judgment and costs.

SECT. 2. Chapter sixty-seven of the public laws  
2 of eighteen hundred and seventy-eight, is hereby

3 amended, by adding thereto another section, as  
4 follows:

5 *Sect. 16.* In any disclosure according to the  
6 provisions of this chapter, after the examination of  
7 the debtor, other competent evidence may be in-  
8 troduced by either party, and the debtor be then  
9 further examined by either party. Depositions  
10 may be used in such disclosures. And the com-  
11 missioner shall have power to issue subpoenas to  
12 witnesses at the request of either party; and  
13 witnesses shall be entitled to the same fees as  
14 witnesses before a trial justice, which shall be taxed  
15 by the commissioner and certified in detail on the  
16 back of the execution, and shall be paid by the  
17 debtor.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }  
January 25, 1879. }

Reported from the Committee on Legal Affairs, by Mr. HUTCH-  
INSON of Lewiston, and ordered printed under the Joint Rule.

B. L. STAPLES, *Clerk.*