

# MAINE STATE LEGISLATURE

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# SIXTIETH LEGISLATURE.

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HOUSE.

No. 14.

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## STATE OF MAINE.

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

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AN ACT to amend section fifteen of chapter seventy-four of the public laws of eighteen hundred and seventy-eight, as amended by chapter one hundred and fifty-four of the public laws of eighteen hundred and seventy-nine, relating to the Insolvent Laws of Maine.

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

SECTION 1. Section fifteen of chapter seventy-  
2 four of the public laws of eighteen hundred and  
3 seventy-eight, as amended by chapter one hundred  
4 and fifty-four of the public laws of eighteen hun-  
5 dred and seventy-nine, is hereby amended, by strik-  
6 ing out the word "two" and inserting the word  
7 "one" in the first line, and by inserting after the  
8 word "resides," in the third line thereof, the words:

9 “or from which he has absconded or removed  
10 beyond the limits of the state, within six months  
11 before the filing of said petition, leaving property  
12 or estate in said county,” so that said section as  
13 amended shall read as follows:

14 *Sect. 15.* When one or more creditors of a debtor  
15 shall make application under oath, by petition by  
16 them signed, to the judge of the county in which  
17 the debtor resides, or from which he has absconded  
18 or removed beyond the limits of the state, within  
19 six months before the filing of said petition, leaving  
20 property or estate in said county, setting forth that  
21 they believe their aggregate debts provable under  
22 this act, amount to more than one-fourth part of  
23 the debts provable against such debtor, and that  
24 they further believe, and have reason to believe,  
25 that said debtor is insolvent, and that it is for the  
26 best interests of all the creditors that the assets of  
27 such debtor should be divided as provided by this  
28 act, and it shall be satisfactorily made to appear to  
29 the judge that the allegations contained in such  
30 application are true, and that such debtor is insol-  
31 vent, it shall be the duty of the judge to issue his  
32 warrant, under his hand, to the sheriff of the county  
33 or either of his deputies, directing him forthwith  
34 to attach the real and personal estate of the debtor

35 not exempt by law from attachment and seizure on  
36 execution, wherever the same may be situated,  
37 within this state, and forbidding the payment to  
38 or by such debtor of any debt, demand or claim  
39 whatsoever, and the sale, transfer, mortgage,  
40 pledge, conveyance, or removal by such debtor,  
41 his agents or attorney, of any of his estate, prop-  
42 erty, rights or credits, and the making of any con-  
43 tracts for the sale or purchase thereof, or relating  
44 thereto, until such warrant shall be revoked by  
45 said judge. Upon the issuing of such warrant  
46 the register shall cause an attested copy of such  
47 application and warrant to be served upon the  
48 debtor, or such other notice as the judge may  
49 order to be given, who thereupon may appear, and  
50 a hearing shall be had upon such application by the  
51 judge, who may thereupon revoke such warrant,  
52 unless such allegations are proved. After the  
53 service of the copy of the application and warrant  
54 upon such debtor, or the giving of such other  
55 notice as the judge may order, provided by this  
56 section, and until the revocation of such warrant,  
57 any payment of any debt, demand or claim, to or  
58 by said debtor, and any sale, transfer, mortgage,  
59 pledge, conveyance, or contract for the sale or  
60 purchase of any estate, property, rights or credits

61 of such debtor, by such debtor, or his agent or  
62 attorney, shall be null and void. If upon hearing  
63 or default, the judge shall find the allegations of  
64 such application to be true and proved, and that said  
65 debtor is insolvent, he shall issue his additional  
66 warrant to the said sheriff or either of his depu-  
67 ties, and cause such other proceedings to be had  
68 as are provided in section fourteen of this act.

SECT. 2. This act shall take effect when ap-  
2 proved.

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## STATE OF MAINE.

In HOUSE OF REPRESENTATIVES, }  
January 28, 1881. }

Reported by Mr. VERRILL, from Committee on Legal Affairs,  
and ordered printed under Rule.

ORAMANDAL SMITH, *Clerk.*