

MAINE STATE LEGISLATURE

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Sixty - Third Legislature.

HOUSE.

No. 226.

STATE OF MAINE.

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

AN ACT to amend sections fifty-two, fifty-three and
fifty-four of chapter eighty-two of the Revised Stat-
utes, relating to Suits by and against Bankrupts.

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

SECTION 1. Section fifty-two of chapter eighty-
2 two of the Revised Statutes is hereby amended by
3 inserting after the word "bankrupt" in the first line
4 thereof the word 'or an insolvent' so that said
5 section as amended shall read as follows:

'SECT. 52. A person who has been declared a
7 bankrupt, or an insolvent, may maintain an action
8 respecting his former property in his own name,
9 unless objection is made by plea in abatement, if

10 before final judgment the assent of his assignee is
11 filed in the office of the clerk of the court in which
12 the action is pending.’

SECT. 2. Section fifty-three of said chapter is
2 hereby amended by inserting after the word “bank-
3 ruptcy” in the second line thereof the words ‘or
4 insolvency,’ so that said section as amended shall
5 read as follows:

‘SECT. 53. Actions in which an actual attach-
7 ment of property was made four months prior to
8 the filing of a petition in bankruptcy or insolvency
9 by any defendant therein shall be disposed of under
10 the ordinary rules of proceedings in court.’

SECT. 3. Section fifty-four of said chapter is
2 hereby amended by inserting after the word “bank-
3 ruptcy” in the first and second lines thereof the
4 words ‘or insolvency’ and after the word “bank-
5 ruptcy” in the third line thereof the words ‘or in-
6 solvency,’ and after the word “bankrupt,” in the
7 same line the words ‘or an insolvent’ and after the
8 word “bankrupt” in the fifth line thereof the words
9 ‘or insolvent’ and after the word “bankrupt” in the
10 eighth line thereof the words ‘or insolvent,’ so that
11 said section as amended shall read as follows:

‘SECT. 54. All other actions, for recovery of a
13 debt provable in bankruptcy or insolvency, when it

14 appears that any defendant therein has filed his
15 petition in bankruptcy or insolvency, or has been
16 adjudged a bankrupt or an insolvent on petition of
17 his creditors before or after the commencement of
18 the suit, shall be continued, until the bankrupt or
19 insolvent proceedings are closed, unless the plain-
20 tiff strikes such defendant's name from the suit,
21 which he may do without costs; but when such
22 defendant does not use diligence in the prosecu-
23 tion of his bankrupt or insolvent proceedings,
24 after one term's notice to him, in writing, from the
25 plaintiff, the court may refuse further delay.

SECT. 4. This act shall take effect when ap-
2 proved, and affect pending actions.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES. }
March 8, 1887. }

Reported from Committee on Judiciary by Mr. POWERS of Houlton;
ordered printed under joint rule.

NICHOLAS FESSENDEN, *Clerk.*