

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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Sixty-Fourth 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  
EIGHTY-NINE.

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AN ACT to amend section 62, chapter 70 of the Re-  
vised Statutes of 1883, relating to the discharge of  
insolvent debtors.

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

SECTION 1. Section 62, chapter 70 of the Re-  
vised Statutes of 1883, relating to the discharge of  
insolvent debtors, is hereby amended by adding  
“thereto” after the word “debtor,” and before the  
word “if,” in the forty-second line of said section,  
the following words to wit: “And any creditor  
of said insolvent estate who knowingly receives,  
directly or indirectly, from a debtor in insolvency,  
or from his estate, as an inducement to consent to

10 said debtor's discharge, or to assign his claim to a  
11 third person who will so consent, a larger per-  
12 centage on his debt than shall be offered and dis-  
13 tributed to all his other creditors of the same class,  
14 shall forfeit to any other creditor of such estate  
15 first suing therefor, a sum equal to the whole  
16 amount received by him on account of said claim,  
17 including dividends legally declared, with interest  
18 from the time such sums were so received, which  
19 sum may be recovered in an action on the case  
20 brought by the creditor discovering such over-  
21 payment, in any county in which either party to  
22 such suit resides, within one year after such dis-  
23 covery." So that said section, as amended, shall  
24 remain unchanged until the word "debtor" is  
25 reached, in said forty-second line, and from and  
26 after said word "debtor" shall read as follows:

‘And any creditor of said insolvent estate who  
28 knowingly receives, directly or indirectly from a  
29 debtor in insolvency, or from his estate, as an  
30 inducement to consent to said debtor's discharge,  
31 or to assign his claim to a third person who will  
32 so consent, a larger percentage on his debt than  
33 shall be offered and distributed to other creditors  
34 of the same class, shall forfeit to any other creditor

35 of such estate, first suing therefor, a sum equal to  
36 the whole amount received by him on account of  
37 said claim, including dividends legally declared,  
38 with interest from the time such sums were so  
39 received, which sum may be recovered in an action  
40 on the case brought by the creditor discovering  
41 such over-payment, in any county in which either  
42 party to such suit resides, within one year after  
43 such discovery. If the proceedings are by or  
44 against a co-partnership the affidavit, agreement  
45 and certificate shall be varied accordingly and shall  
46 contain both the names of the firm and the names  
47 of the members thereof. Before such certificate is  
48 granted the debtor shall pay all the expenses  
49 incurred during the proceedings.'

STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, {  
January 23, 1889. }

Reported from Committee on Judiciary, by Mr. BARKER of Bangor;  
ordered printed under joint rule.

NICHOLAS FESSENDEN, *Clerk.*