

MAINE STATE LEGISLATURE

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NEW DRAFT.

Sixty-Fifth Legislature.

HOUSE.

No. 144.

STATE OF MAINE.

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

AN ACT to amend Section 64 of Chapter 70 of the Revised
Statutes, relating to Insolvency Proceedings.

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

SECTION 1. Section 64 of chapter 70 of the Revised
2 Statutes is hereby amended so that it shall read as follows:

‘Any person whose debts do not amount to three hun-
4 dred dollars, may at any time assign, convey and deliver
5 to the register of the probate court of the county within
6 which he resides, all of his real and personal estate, rights
7 and credits not exempt from attachment and seizure on
8 execution, together with a schedule of the same, signed

9 by such debtor, and a list of all his creditors, with their
10 places of residence, so far as known, and thereupon the
11 register shall, with the approval of the judge, appoint the
12 time for a hearing thereon, before the judge, or such
13 person as he appoints to take such examination, and shall
14 give such notice to the creditors, of the time and place of
15 such hearing as the judge orders, and any creditor may
16 appear at such hearing and be heard, and examine the
17 debtor, under oath, concerning his business, property and
18 effects, and the disposal thereof. Such examination shall
19 be confined within such limits as the judge directs, and in
20 no case shall it extend to any matters arising prior to the
21 time of the contracting of the debts owed by such debtor at
22 the time of his examination. If it appears to the judge that
23 the debtor has assigned, conveyed and delivered to the
24 register all his said real and personal estate, rights and
25 credits, and that he has disclosed the names and places of
26 residence of all creditors known to him, he shall administer
27 to him the following oath:—

“I,, swear that the account of my
29 creditors contained in the schedule made and signed by me
30 is true, according to my best knowledge and belief; and I
31 further swear that I have delivered to
32 the register of probate, all my estate, rights and credits,
33 except such as are exempt from attachment and seizure on
34 execution; and I further swear that no part of my estate
35 rights or credits, has been made over, concealed or dis-
36 posed of in any manner, for the future benefit of myself,
37 my family, or any other person or to defraud my credit-
38 ors;” unless he has discovered, by such examination, such
39 facts as render it inconsistent for the debtor to take such

40 oath, or finds that any of the statements made by him
41 upon said examination are not true. When such debtor
42 has taken and subscribed said oath, the judge shall give
43 him a certificate thereof under his hand, and thereupon he
44 shall be thenceforth released and discharged from arrest
45 upon mesne process or execution arising from any debt
46 contracted prior to the taking such oath, and owing to
47 any creditor named in said schedule, and he shall not be
48 required to submit himself to examination under provisions
49 of chapter 137 of Public Laws of 1887 as to any matters
50 arising prior to the time of taking such oath. This section
51 also applies to any person arrested or committed to jail
52 upon mesne process or execution, and such debtors shall be
53 taken by the jailer, or officer having him in charge, before
54 the court for the purposes herein specified. After the
55 assignment and conveyance herein provided, the register
56 shall dispose of said debtor's property and effects to
57 the best advantage, depositing in his own name as reg-
58 ister in such bank as the judge approves all money
59 coming into his hands belonging to said estate,
60 and keeping and rendering to the judge a strict
61 account of its disposal, and the net proceeds thereof, after
62 deducting the expenses of the proceedings, shall be
63 divided by the register *pro rata* among the creditors of
64 the debtor named in his original schedules, or schedules
65 as amended by order of the judge, and such other cred-
66 itors as shall have proved their claims before such distri-
67 bution, in part satisfaction of their respective debts.
68 The examination herein provided for shall be in writing,
69 signed by the debtor and filed in the office of the register,
70 and if the judge appoints any person to take such exami-

71 nation, he may allow him reasonable compensation there-
72 for, to be paid out of the debtor's assets if they are suffi-
73 cient, otherwise such compensation, or such part thereof
74 as remains unsatisfied out of the debtor's estate, shall be
75 paid out of the county treasury."

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 24, 1891. }

Reported by Mr. DRUMMOND of Portland, from Committee on Legal
Affairs, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*