

# MAINE STATE LEGISLATURE

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# Sixty-Fifth Legislature.

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HOUSE.

No. 283.

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## STATE OF MAINE.

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

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AN ACT to amend section seventeen of chapter seventy of  
the Revised Statutes, relating to the Insolvent Law.

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

Section seventeen of chapter seventy of the Revised  
2 Statutes of eighteen hundred and eighty-three, is hereby  
3 amended by inserting after the word "resides" in the third  
4 line of said section the words 'or if a non-resident of the  
5 State to the judge of the county in which said non-resi-  
6 dent debtor may have personal property or real estate,' so  
7 that said section as amended shall read as follows:

'Section 17. When one or more creditors of a debtor,  
9 makes application under oath, by petition by them signed,  
10 to the judge of the county in which the debtor resides, or

11 if a non-resident of the State to the judge of the county  
12 in which said non-resident debtor may have personal  
13 property or real estate, or from which he has absconded  
14 or removed beyond the State, within six months before  
15 the filing of said petition, leaving property or estate in  
16 said county, setting forth that they believe that their  
17 aggregate debts provable under this chapter, amount to  
18 more than one-fourth part of the debts provable against  
19 such debtor, and that they further believe, and have reason  
20 to believe, that said debtor is insolvent, and that it is for  
21 the best interests of all the creditors that the assets of  
22 such debtor should be divided as provided by this chapter,  
23 and it shall be satisfactorily made to appear to the judge  
24 that the allegations contained in such application are true,  
25 and that such debtor is insolvent, the judge shall issue his  
26 warrant, under his hand, to the sheriff of the county or  
27 either of his deputies, directing him forthwith to attach  
28 the real and personal estate of the debtor not exempt by  
29 law from attachment and seizure on execution, wherever  
30 the same may be situated within the State, and forbid-  
31 ding the payment to or by such debtor of any debt,  
32 demand or claim, and the sale, transfer, mortgage, pledge,  
33 conveyance, or removal by such debtor, his agents or  
34 attorneys, of any of his estate, property, rights or credits,  
35 and the making of any contracts for the sale or purchase  
36 thereof, or relating thereto, until such warrant is revoked  
37 by said judge. Upon the issuing of such warrant, the  
38 register shall cause an attested copy of such application  
39 and warrant to be served upon the debtor, or such other  
40 notice as the judge may order, to be given, and the debtor  
41 thereupon may appear, and a hearing shall be had upon

42 such application by the judge, who may thereupon revoke  
43 such warrant, unless such allegations are proved. After  
44 service of the copy of the application and warrant upon  
45 such debtor, or the giving of such other notice provided  
46 by this section, as the judge may order, and until the  
47 revocation of such warrant, any payment of a debt, de-  
48 mand or claim, to or by said debtor, and any sale, trans-  
49 fer, mortgage, pledge, conveyance, or contract, for the  
50 sale or purchase of any estate, property, rights or credits,  
51 of such debtor, by him, or his agent or attorney, shall be  
52 null and void. If upon hearing or default, the judge  
53 finds the allegations of such application to be true and  
54 proved, and that said debtor is insolvent, he shall issue  
55 his additional warrant to said sheriff or either of his depu-  
56 puties, and cause such other proceedings to be had as are  
57 provided in the preceding section.'

STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, }  
March 18, 1891. }

Reported by Mr. STEARNS of Caribou, from Committee on Judiciary,  
and ordered printed under joint rules.

W. S. COTTON, *Clerk.*