

MAINE STATE LEGISLATURE

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Sixty-Sixth Legislature.

HOUSE.

No. 305.

STATE OF MAINE.

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

AN ACT to amend Section sixty-four of Chapter seventy of
the Revised Statutes, as amended by Chapter forty-six of
the Public Laws of eighteen hundred and ninety-one,
relating to insolvency proceedings.

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

Section sixty-four of chapter seventy of the Revised
2 Statutes, as amended by chapter forty-six of the Public
3 Laws of eighteen hundred and ninety-one, is hereby fur-
4 ther amended so that said section sixty-four shall read as
5 follows :

‘Section 64. Any person whose debts do not amount
7 to three hundred dollars, may at any time assign, con-
8 vey and deliver to the register of the court of insolvency
9 in and for the county in which he resides, all his real and

10 personal estate, rights and credits, not exempt from
11 attachment and seizure on execution, together with a
12 schedule of the same, signed by such debtor, and a list
13 of all his creditors, with their places of residence, so far
14 as known by him, and at the same time may apply by pe-
15 tition to the judge of said court, setting forth his
16 inability to pay all his debts, in full, and that he has
17 assigned, conveyed and delivered to the register of said
18 court, all his real and personal estate, rights and credits, not
19 exempt from attachment and seizure on execution, together
20 with a schedule of the same, signed by him, and a list of all
21 his creditors, with their places of residence, so far as known
22 by him, and that he wishes to be examined as provided by
23 this section, and to have the oath provided by this section
24 administered to him. Thereupon the judge shall appoint
25 a time and place for the examination of the debtor, which
26 examination may be before the judge, or such person as
27 he appoints to take the same, and the register shall give
28 such notice to the creditors of the debtor, of the time and
29 place of such examination as the judge orders, and any
30 creditor may appear at such examination and be heard,
31 and may examine the debtor, under oath, concerning his
32 business, property and effects, and the disposal thereof.
33 Such examination shall be confined within such limits as
34 the judge directs, and in no case shall it extend to any
35 matters arising prior to the time of the contracting of the
36 debts owed by such debtor at the time of his examination.
37 The examination herein provided for shall be in writing,

38 signed by the debtor, and filed in the office of the register,
39 and after it has been so filed, the judge shall appoint a
40 time and place for a hearing thereon, and the register
41 shall give such notice to the creditors of the debtor, of
42 the time and place of such hearing as the judge orders,
43 and any creditor may appear at such hearing and be
44 heard, and object to the oath, hereinafter provided, being
45 administered to the debtor, and may show cause why the
46 same should not be administered to him. If upon such
47 hearing, it appears to the judge that the debtor has
48 assigned, conveyed and delivered to the register all his
49 said real and personal estate, rights and credits, not
50 exempt from attachment and seizure on execution,
51 together with a schedule of the same, signed by him, and
52 that he has disclosed the names and places of residence
53 of all creditors so far as known to him, he shall administer
54 to the debtor the following oath :

I, _____, swear that the account of my creditors
56 contained in the schedule made and signed by me is
57 true, according to my best knowledge and belief; and I
58 further swear that I have delivered to _____, the reg-
59 ister of the court of insolvency, all my estate, rights and
60 credits, except such as are exempt from attachment and
61 seizure on execution; and I further swear that no part
62 of my estate, rights or credits, has been made over, con-
63 cealed, or disposed of in any manner, for the future ben-
64 efit of myself, my family, or any other person, or to
65 defraud my creditors; unless the judge has discovered,

66 by such examination, such facts as render it inconsistent
67 for the debtor to take such oath, or finds that any of the
68 statements made by the debtor in or upon said examina-
69 tion are not true. When the debtor has taken and sub-
70 scribed said oath, the judge shall give him a certificate
71 thereof under his hand and the seal of the court, and
72 thereupon he shall be thenceforth released and discharged
73 from arrest upon mesne process or execution arising from
74 any debt contracted prior to taking such oath, and owing
75 to any creditor named in said schedule, and he shall not
76 be required to submit himself to examination under pro-
77 visions of chapter one hundred and thirty-seven of Public
78 Laws of eighteen hundred and eighty-seven as to any
79 matters arising prior to the time of taking such oath.
80 This section also applies to any person arrested or com-
81 mitted to jail upon mesne process or execution, and such
82 debtor shall be taken by the jailer, or officer having him
83 in charge, before the court for the purposes herein speci-
84 fied. After the assignment and conveyance herein pro-
85 vided, the register shall dispose of said debtor's property
86 and effects to the best advantage, depositing in his own
87 name as register in such bank as the judge approves, all
88 money coming into his hands belonging to said estate,
89 and keeping and rendering to the judge a strict account of
90 its disposal, and the net proceeds thereof, after deducting
91 the expenses of the proceedings, shall be divided by the reg-
92 ister *pro rata*, among the creditors of the debtor named in his
93 original schedules, or schedules as amended by order of the

94 judge, and such other creditors as shall have proved their
95 claims before such distribution, in part satisfaction of their
96 respective debts. The judge and register shall be
97 allowed the same fees for their services under this section
98 as they are allowed for similar services in other insolvency
99 proceedings, and when any person is appointed by the
100 judge to take the examination hereinbefore provided, the
101 judge shall allow him a reasonable compensation there-
102 for, and said fees, and compensation shall be paid out
103 of the debtor's assets if they are sufficient, otherwise
104 such fees and compensation, or such part thereof as
105 remains unsatisfied, shall be paid by the debtor before
106 he shall be entitled to take the oath heretofore provided.
107 And in all cases arising under this section, the judge
108 may require a reasonable sum of money, to be by him
109 specified, to be deposited with the register by the debtor
110 at the time the assignment and petition is filed, as
111 security for the payment of said fees and compensation.
112 When any person is appointed by the judge to take the
113 examination hereinbefore provided, such person has the
114 same power as the judge to exclude immaterial or irrel-
115 evant questions to the debtor.'

STATE OF MAINE

HOUSE OF REPRESENTATIVES, }
March 9, 1893. }

Reported by Mr. DREW of Fort Fairfield, from Committee on
Judiciary and ordered printed under joint rules.

W. S. COTTON, *Clerk.*