

# MAINE STATE LEGISLATURE

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# Sixty-Eighth Legislature.

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HOUSE.

No. 88.

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## STATE OF MAINE.

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

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AN ACT to amend sections three and eight of chapter 86 and  
section seventeen of chapter eighty-one, Revised Statutes,  
relating to the service of Trustee Writs.

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

Section 1. Section three of chapter eighty-six of the  
2 Revised Statutes, is hereby repealed and the following  
3 enacted in lieu thereof:

‘Section 3. The officer serving it shall attach the goods  
5 and estate of the principal and give to him in hand or leave  
6 at his last and usual place of abode a summons of the form  
7 hereinafter prescribed; which is sufficient service on the

8 principal whether any trustee is held or not. The summons  
9 shall be in substance as follows:

STATE OF MAINE.

11 .....ss. To.....

12 Greeting:

We command you that you appear at our.....  
14 court, next to be holden at.....within and  
15 for the county of.....aforesaid, on the  
16 .....day of.....next, then  
17 and there to answer to.....in a plea of  
18 .....which plea the said plaintiff has com-  
19 menced, to be heard and tried at said court and your goods  
20 or estate are attached to the value of.....dollars  
21 for security to satisfy the judgment which the said plaintiff  
22 may recover upon said trial. Fail not of appearance at your  
23 peril.

And to....., trustee of said.....

25 We command you to appear before our said court to be  
26 holden as aforesaid, to show cause if any you have, why  
27 execution to be issued upon such judgment as the said  
28 plaintiff may recover against the said principal defendant in  
29 said action (if any) should not issue against his goods,  
30 effects or credits in your hands or possession as trustee of  
31 said principal defendant.

Witness.....justice of our said court at  
33 .....this..... day of.....

34 in the year of our Lord one thousand.....

35 Clerk.'

Sect. 2. Section eight of said chapter is hereby amended  
2 by inserting in the fifth line thereof, after the word "corpo-  
3 rations" the words 'except that the service shall be by the  
4 summons described in section three of this chapter' so that  
5 said section eight as amended shall read as follows:

'Section 8. All domestic corporations and all foreign or  
7 aliē companies or corporations established by the laws of  
8 any other state or country, and having a place of business,  
9 or doing business within this State may be summoned as  
10 trustee, and trustee writs may be served on them as other  
11 writs are served on such companies or corporations, except  
12 that the service shall be by the summons described in section  
13 three of this chapter, and they may answer by attorney or  
14 agent, and make disclosures, which shall be signed and  
15 sworn to by such attorney or agent or such other person  
16 upon whom legal service of the writ may be made; and the  
17 same proceedings shall thereupon be had throughout except  
18 necessary changes in form, as in other cases of foreign  
19 attachment.'

Sect. 3. Section seventeen of chapter eighty-one of  
2 Revised Statutes, is hereby amended by striking out of the  
3 second line thereof the words "except in trustee process"  
4 so that said section seventeen as amended shall read as  
5 follows:

'Section 17. When goods or estate are attached on either  
7 of said writs, a separate summons in form by law prescribed  
8 shall be delivered to the defendant or left at his dwelling  
9 house or place of last and usual abode, fourteen days before  
10 the sitting of the court to which it is returnable, which is  
11 a sufficient service.'

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## STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES,

February 12, 1897.

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

W. S. COTTON, *Clerk.*