

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# SEVENTY-SECOND LEGISLATURE

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SENATE.

No. 132

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND FIVE.

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AN ACT to prevent sales of merchandise in bulk in fraud of  
creditors.

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

Section 1. The sale in bulk of any part or the whole of a  
2 stock of merchandise, otherwise than in the ordinary course  
3 of trade and in the regular and usual prosecution of the  
4 seller's business, shall be void as against the creditors of the  
5 seller, unless the seller and purchaser, at least five days before  
6 the sale, make a full, detailed inventory, showing the quan-  
7 tity, and, so far as possible with exercise of reasonable  
8 diligence, the cost price to the seller of each article to be  
9 included in the sale; and unless the purchaser preserve such  
10 inventory for inspection by the creditors, or any of them, for

11 thirty days after the completion of the sale; and unless the  
12 purchaser demand and receive from the seller a written list  
13 of names and addresses of creditors of the seller, with the  
14 amount of indebtedness due or owing to each and certified  
15 by the seller, under oath, to be, to the best of his knowledge  
16 and belief, a full, accurate and complete list of his creditors  
17 and of his indebtedness; and unless the purchaser, at least  
18 five days before taking possession of such merchandise, or  
19 paying therefor, notify personally or by registered mail every  
20 creditor whose name and address are stated in said list of the  
21 proposed sale and of the price, terms and conditions thereof.  
22 Provided, however, that the preceding provisions of this sec-  
23 tion shall not apply if the purchaser, before any such sale of  
24 merchandise, shall demand and receive from the seller a  
25 written list of names and addresses of creditors of the seller,  
26 certified by the seller under oath to be, to the best of his  
27 knowledge and belief, a full, accurate and complete list of  
28 the names and addresses of his creditors, and the seller, prior  
29 to such sale, shall produce and deliver to the purchaser a  
30 written waiver of the provisions of this act, signed by a  
31 majority in number and amount of the creditors of the seller  
32 whose names are stated in such verified list.

Sect. 2. Sellers and purchasers under this act shall include  
2 corporations, associations, co-partnerships, and individuals,  
3 but nothing contained in this act shall apply to sales by  
4 executors, administrators, receivers, assignees under a volun-  
5 tary assignment for the benefit of creditors, trustees in bank-  
6 ruptcy, or by any public officer under judicial process.

Sect. 3. This act shall take effect May 1, 1905.



STATE OF MAINE.

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IN SENATE, March 2, 1905.

Reported by Mr. POTTER from Committee on Judiciary and laid on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary*.