

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-FOURTH LEGISLATURE

OF THE

S T A T E O F M A I N E ,

A. D. 1844.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840, and March 16, 1842.

AUGUSTA:

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1844.

PUBLIC LAWS

OF THE

STATE OF MAINE,

1844.

Chapter 111.

AN ACT repealing an act in relation to the herring fishery, passed February twelfth, one thousand eight hundred and twenty-four.

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

An act entitled "an act additional to an act, to regulate the herring fishery," passed February twelfth, one thousand eight hundred and twenty-four, is hereby repealed, so far as the same relates to all waters west of the town of Cutler, in the county of Washington.

Additional act relative to the herring fishery, approved Feb. 12, 1824, repealed, in part.

[Approved March 21, 1844.]

Chapter 112.

AN ACT concerning assignments.

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

SECT. 1. All assignments made by debtors in this state, for the benefit of their creditors, shall provide for an equal distribution of all their estate, real and personal, among such of their creditors, as, after notice as herein provided, become parties to said assignments, in proportion to the amount of their respective claims; excepting such property of said debtors, as may by law be exempt from attachment; and in all such assignments the assignor or assignors may insert a release of all debts due from him or them to the creditors aforesaid, which shall forever discharge said debtors from all claims of the creditors aforesaid; and in all such assignments, the assignor or assignors shall make affidavit to the truth thereof, a certificate of which affidavit shall be made upon said assignment by the magistrate, before whom the same may be taken.

Creditors to be equally provided for in assignments.

Property, by law exempt from attachment, excepted.

Debtors to be discharged, &c.

Magistrate to make certificate of affidavit thereof on back of assignment.

SECT. 2. All assignments made by any debtor or debtors for the benefit of any one or more of his creditors, shall be construed to pass all the property, real and personal, of such debtor or debtors not exempted by law from attachment, whether specified in such assignments or not; and all such assignments, in whatever form made or however expressed, shall have the same effect as though providing for such distribution as is described in the first section. But no assignment shall be valid, unless sworn to, nor unless the assignee or assignees shall give the notice required in this act.

Assignments shall pass all property not exempted by law to the benefit of creditors.

No assignment valid unless sworn to and notice given.

SECT. 3. The assignee or assignees of such debtor or debtors shall, within fourteen days after any assignment shall have been

Notice of assignment to be published in some public newspaper.

CHAP. 113. made, as aforesaid, give public notice thereof in some newspaper, printed in the county where any of said debtors reside, or, if no newspaper be published in such county, in the nearest adjoining county, allowing three months to all creditors to become parties to said assignment.

Assignee not liable to trustee process for three months.

SECT. 4. No assignee of any debtor, in any assignment made for the benefit of the creditors, shall be liable to trustee process for or on account of his having in his possession the property of the assigning debtor, until the expiration of three months from the publication of notice as aforesaid; neither shall said property be liable to attachment during said three months.

Act passed April 1, 1836, repealed.

SECT. 5. An act entitled "an act concerning assignments," passed April first, one thousand eight hundred and thirty-six, is hereby repealed; provided that this repeal shall not affect assignments already made.

SECT. 6. This act shall take effect and be in force from and after its approval by the governor.

[Approved March 21, 1844.]

Chapter 113.

AN ACT making further provision for purposes of education.

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

Relative to money raised in any school district by vote of the town in which such district is situate, &c.

Whenever a majority of the legal voters, present at any school district meeting, shall be opposed to the raising of a sum of money for any particular purpose, and the inhabitants of the town containing such district, shall thereupon require a sufficient sum for such purpose, to be assessed upon the polls and estates, in such district, according to the fifteenth section of the seventeenth chapter of the revised statutes, it shall be the duty of the selectmen of the town to appoint, in writing, three suitable inhabitants of said district, to be a committee to superintend the expenditure of the money, so assessed and raised, for the purpose required, who shall have all the powers of a committee chosen by a district, in pursuance of the provisions of the twenty-seventh section of the chapter aforesaid.

Duty of selectmen.

[Approved March 21, 1844.]