

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE.

1859.

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

AUGUSTA:
STEVENS & SAYWARD, PRINTERS TO THE STATE.

1859.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1859.

CHAP. 110.

Chapter 110.

An act additional to chapter seventy-one of the revised statutes, relating to reporter of the judicial decisions.

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

Reporter of decisions dying, duties of successor.

SECT. 1. Upon the decease of the reporter of the judicial decisions, it shall be the duty of his successor to prepare and publish the cases argued during the deceased reporter's continuance in office and left unpublished, and he shall be under the same obligation to furnish copies of the reports to the state as his predecessor, and shall be entitled to the profits of the work, allowing and paying to the legal representatives of the deceased reporter such equitable consideration for his interests therein as shall be determined by the governor and council.

SECT. 2. This act shall take effect when approved by the governor.

[Approved April 4, 1859.]

Chapter 111.

An act to amend chapter forty-nine of the revised statutes.

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

Ch. 49, sec. 5, R. S. amended.

SECT. 1. The fifth section of chapter forty-nine of the revised statutes, is amended, so as to read as follows:

Quorum.

“SECT. 5. Four directors constitute a quorum for doing business.”

SECT. 2. This act shall take effect from and after its approval by the governor.

[Approved April 4, 1859.]

Chapter 112.

An act additional to chapter seventy of the revised statutes, concerning assignments.

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

Ch. 70, sec. 7, R. S. amended.

SECT. 1. Section seven of chapter seventy of the revised statutes, is amended, so as to read as follows:

Property as-

SECT. 7. No property assigned for the benefit of creditors, shall

be liable to attachment for six months after the first publication of the notice herein required, nor shall the assignee during that time be liable to the trustee process on account thereof; but after the lapse of eighteen months from the assignment, or two years, to which the probate court for satisfactory reasons may extend the time, any creditor not a party to the assignment may trustee the assignee for any excess of such estate then remaining in his hands after the payment of the debts of the parties thereto and lawful expenses; and if such suit is instituted before the expiration of said terms, it may be continued till after their expiration, on such terms as the court may direct.

SECT. 2. All property of every kind conveyed or transferred by the assignor, previous to making the assignment in contemplation thereof, and with the design to give a preference to a pre-existing creditor shall be void, but the assignment shall not be defeated or rendered void thereby, and all such property, as well as all property of every kind, conveyed and transferred by the assignor previous to the assignment with the design to defeat, delay or defraud creditors, shall pass to the assignee by virtue of the assignment, and shall be held by him as property or assets for the benefit of creditors, and the assignee shall be clothed with all necessary powers to recover, receive and collect the same and render the same available for the purposes of the trust created by the assignment.

SECT. 3. If any assignee dies, resigns, becomes insane or otherwise unsuitable to perform the trust, refuses or neglects so to do, or mismanages the trust property, the judge of probate for the county, after due notice, shall appoint another in his place, who shall have the same powers and be subject to the same liabilities as the original assignee.

SECT. 4. A purchaser of any chose in action, sold by an assignee at public or private sale, may sue thereon in his own name, subject to all legal and equitable defenses.

SECT. 5. If the assignment is made by indenture in two or more parts, creditors in order to become parties, are required to execute the part held by the assignee.

SECT. 6. This act shall take effect when approved by the governor.

CHAP. 112.
signed exempt from attachment, assignee not liable as trustee, time limited, when and how suit may be commenced.

Conveyance with intent to give preference or defraud, void; property so conveyed to be held by assignee.

Assignee dying or disqualified, provision.

Purchaser of chose may sue.

Assignment by indenture in two or more parts.